



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
HYBRID MEETING***

***MONDAY, APRIL 11, 2022
7 pm***

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place via the attached Zoom link and dial-in phone number, on Facebook and on BCTV MAC Channel 99 or at your convenience at <https://www.readingpa.gov/content/city-council-video>.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://readingpa.zoom.us/j/83723226110?pwd=T1l2L09SSXZBTCtUcG1LNUtSZm9PUT09>

Passcode: 925146

Or One tap mobile:

+13126266799,,83723226110#,,, *925146# US (Chicago)

+16465588656,,83723226110#,,, *925146# US (New York)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 720 707 2699 or +1 253 215 8782 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 837 2322 6110

Passcode: 925146

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens who wish to make public comment must pre-register following the instructions in Agenda #3 Public Comment on this agenda.
2. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
3. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.

4. Public comment will occur only during the Public Comment period listed on the agenda. Comment must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
5. Citizens may not approach the Council tables at any time during the meeting.
6. Any person making threats of any type, personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking, removed from Council Chambers and/or cited.
7. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Raymond Bland, New Beginnings Christian Life Fellowship Church

C. PLEDGE TO THE FLAG

D. ROLL CALL

E. EXECUTIVE SESSIONS: An executive session was held at the close of the April 4th COW regarding real estate and litigation

2. PROCLAMATIONS AND PRESENTATIONS

- Commendation recognizing Greek Independence Day
- Commendation recognizing Anthony Orozco as Reading's Poet Laureate
- Fire Department Swearing In Ceremony
 - Fire Prevention Lieutenant John Naylor
 - Fire Training Lieutenant Jason Batz
 - EMS Deputy Chief Michael Sninsky

3. PUBLIC COMMENT – AGENDA MATTERS:

Public Comment Instructions:

- To comment at a Regular Business Meeting, citizens can register by calling or emailing the City Clerk's Office by noon on the day of the regular meeting. Instructions to access the virtual meeting app or dial-in will be provided upon registration. Call 610-655-6205 or e-mail council@readingpa.gov
- Public comment for Regular Business meetings will also be accepted in writing by 4pm on the day of the meeting through an e-mail to council@readingpa.gov. The message must

clearly be marked as Public Comment. The comment received in writing will be read into the record at the Regular Meeting.

- Those wishing to provide in-person comment at a Regular Meeting in the Penn Room must register with the City Clerk no later than 4 pm on the day of the meeting by calling 610-655-6204 or emailing council@readingpa.gov. The procedure to register to comment by signing a registration sheet before the start of the regular meeting will be suspended until the meetings are fully opened with everyone gathering in Council Chambers.
 - Public speaking rules adopted by Council allow those speaking on agenda matters to speak for 5 minutes and 3 minutes for non-agenda matters.
 - Comments posted in Zoom Chat and on Facebook are not considered public comment and a response may not occur.

All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any comment that is personally offensive or impertinent will not be read into the record. Comments on agenda matters are limited to 5 minutes in length and comments on non-agenda matters are limited to 3 minutes in length.

4. APPROVAL OF AGENDA & MINUTES

A. AGENDA: Meeting of April 11, 2022

B. MINUTES: March 28th Regular meeting, April 4th Special Meeting and the summations of discussion from the March 28th, March 30th and April 4th COWs and April 4th Nominations & Appointments Committee meeting summaries

5. Consent Agenda Legislation

The Consent Agenda is designed to provide efficient approval of non-controversial legislation that does not require discussion/debate by giving approval via acclamation when the meeting agenda is approved. The President of Council will call Council's attention to the list of Consent Agenda legislation at the meeting before action is taken, which allows Council to remove a piece of legislation for separate consideration.

A. Award of Contract – for the City Hall Roof Replacement Phase 1 to Mid-State Roofing and Coating, 4088 E. Main Street, Belleville, PA 17004, at the submitted price of \$464,485.00

B. Award of Contract – for the purchase a 2017 STETCO Catch basin cleaner from Jack Doheny Companies, Northville, MI for the total submitted price of \$180,000.00. Jack Doheny Companies is sole distributor for STETCO and we have found no other companies that make a unit like this.

C. Award of Contract – for the purchase of a 2023 Ford E450 AEV Ambulance to Specin Emergency Vehicle Sales & Service, Scottdale PA in the amount of \$190,000.00. Specin EV is a PA COSTARS Vendor and the contract is reflective of the COSTARS pricing.

D. Award of Contract – for City Park improvements to Empire Services, Reading, PA at the submitted price of \$843,100. The project consists of the removal and or pruning of trees, understory clearing and grubbing; provision of earthwork, porous asphalt paving walkways, segmental block piers, landscaping; installation of owner furnished modular play and swing structures, benches, and safety surface mulch; and all incidental related work.

E. Resolution – for the purchase of 1 2022 Ford Transit prisoner transport van with a 5 year 75,000 mile warranty from Whitmoyer Ford, Inc. Mount Joy, PA for 80,375.00 through CoStars and funded by the Capitol Improvement Fund

6. ADMINISTRATIVE REPORT

Attached

7. REPORT FROM OFFICE OF THE AUDITOR

Attached

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 29-2022 – amending the 2022 Fund 43 City Facilities Construction Fund Budget is providing an additional \$400K for the sidewalk replacement program. The funds will be paid by a budget amendment in the City’s Facilities Construction Fund budget
Introduced at the March 28 regular meeting

B. Bill No. 30-2022 – authorizing the mayor to accept land donated by the Honorable Arthur E. and Louise C. Grim at 2049 Hessian Boulevard, in the City of Reading, and conveying a City-owned undeveloped parcel on New Holland Road to Berks Nature
Introduced at the March 28 regular meeting

C. Bill No. 31-2022 – amending by eliminating City Code Chapter 23, Part 2 Penn Square Commission, Chapter 396 Parks, Part 2 Penn Square and the permitting process which is inconsistent with Chapter 576 and reserving Part 2 for future use *Introduced at the March 28 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending City Code Chapter 576, Part 12, Parades, Special Events, and Public Gatherings by making revisions to the special event application process and the corresponding section of the Chapter 212 fee schedule for special events

B. Ordinance – amending the 2022 General Agency fund (31) to reflect the appropriation of funding in the amount of \$152,500 for the Lead Hazard control Program. The Community Development department property maintenance division will be managing the healthy homes initiative program targeting households with children six (6) years old or younger and have been diagnosed with Elevated Blood Lead Level (EBLL). The presence of lead in a child could cause developmental challenges medically found to have a measurable concentration of lead in their blood.

C. Ordinance – amending City Code Chapter 453, Part 3, Mobile Vendors making corrections and adding provisions for vendors at the Pagoda

D. Ordinance – amending City Code Chapter 23, Part 14, Code & License Appeals Board by adding Mobile Vendors Appeals to the powers of this board

E. Ordinance – amending the Position Ordinance by eliminating 2 of the 4 fulltime Ambassadors, leaving 2 at \$20.87 per hour for a total of \$41,600 per employee per year and adding 6 part-time positions at a rate of \$15 per hour at 28 hours per work for a total of \$21,840.

F. Ordinance – increasing the salary of the Fire Chief to \$105,000.00 per annum, payable in equal bi-monthly installments

11. RESOLUTIONS

A. Resolution No. 69-2022 – authorizing a temporary parking regulation Pilot Program for the installation of parking stalls at prescribed locations within the City and parking requirements related thereto, for a 90 day period, pursuant to Chapter 576 Vehicles, Section 105 Experimental Regulations, effective July 1, 2022. ***Tabled at the March 28th Regular Meeting***

B. Resolution – appointing Patty Bell to the Library Board

C. Resolution – appointing Josephine Torres-Boykins to the Equal Business Opportunity Board

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS/COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, April 18

Nominations & Appointments Committee – 4 pm

Committee of the Whole – 5:00 pm

- *Public Works, Fire & Police*

Tuesday, April 19

Committee of the Whole ARPA – 5 pm

Monday, April 25

Committee of the Whole – 5 pm

Regular Meeting – 7 pm

Wednesday, April 27

Conditional Use Hearing 2404 Centre Ave banquet hall – 5 pm

Zoning Map Change 12th & Exeter Sts – Albright Exeter Hall – 5:30 pm

15. ADJOURN

**City of Reading City Council
Regular Meeting
March 28, 2022**

Council Vice President Cepeda-Freytiz called the meeting to order. She thanked the Council President for giving her the opportunity to lead this meeting in celebration of Women's History Month.

The invocation was given by Andrea McHenry, Director of FREE.

All present pledged to the flag.

There were executive sessions after the March 21st COW regarding potential litigation and after the March 28th COW regarding potential litigation.

ATTENDANCE

Council President Waltman
Councilor Goodman-Hinnershitz, District 2
Councilor Ventura, District 3
Councilor Butler, District 4 - virtually
Councilor Reed, District 5
Councilor Cepeda-Freytiz, District 6
Council Solicitor M. Gombar
City Auditor M. Rodriguez
City Clerk L. Kelleher
City Solicitor F. Lachat - virtually
Acting managing director F. Denbowski

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation recognizing Jamilah Kebbay for documenting her experience with the COVID-19 pandemic in a self-published book. Ms. Kebbay stated that her book is available for purchase from her mother, Noahleen Betts.

PUBLIC COMMENT

Council Vice President Cepeda-Freytiz stated that there are two (2) citizens registered to provide public comment on agenda matters. Councilor Reed read the public comment rules adopted by ordinance.

Evelyn Morrison, of Church St., congratulated Ms. Kebbay for authoring a book about her pandemic experience. She announced that April is poetry month and noted the April 23rd poetry reading at the Reading Public Library Main Branch. She stated that she has identified more victims who have health problems due to their exposure to mold at the Bookbindery property. She asked Council to adopt a mold ordinance. She expressed the belief that the City

forgave too many City loans to businesses for a variety of reasons including financial hardship. She expressed the belief that J & A Court does not have financial hardship noting their recent application to the Zoning Board for a redevelopment project. She also expressed the belief that the sale of the Bookbindery property by the Reading Redevelopment Authority to a sitting Redevelopment Authority Board member under the moniker of J & A Court LLC is a conflict of interest under the City's Charter and Ethics Code.

Barry Sawtell, Esq., Kozloff Stoudt., representing J & A Court LLC, stated that he is attending this meeting to discuss the settlement agreement for the Bookbindery property, to answer Council's questions and to develop terms that J & A Court and City Council can agree to. However, he noted that the Council Solicitor informed him that Council intends to withdraw this ordinance at this meeting. He asked Council to reconsider moving forward and avoid having this issue fall into the abyss. He stated that the last mortgage payment was made 25 years ago, noting that this places the mortgage in default making it uncollectible. He stated that if there is a 20 year lapse in payments default occurs. He expressed the belief that J & A Court is seeking resolution and hoping to avoid unnecessary expenses and that they are offering the City a significant amount of money that they are not required to pay. He stated that they are looking for a fast turnaround.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Cepeda-Freytiz called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the March 14th Regular Meeting of Council, along with the summations of discussion from the March 14th and March 21st COW and the March 21st Nominations meeting. She stated that Bill 17-2022 has been withdrawn and Bill No. 28-2022 has been withdrawn and replaced by a resolution listed in the Resolution section. There were no objections.

The agenda for this meeting, as amended, including the Consent Agenda legislation the minutes from the March 14th Regular Meeting of Council, and the summations of discussion listed were approved by acclamation.

Consent Agenda

The Consent Agenda is designed to provide efficient approval of non-controversial legislation that does not require discussion/debate by giving approval via acclamation when the meeting agenda is approved. The President of Council will call Council's attention to the list of Consent Agenda legislation at the meeting before action is taken, which allows Council to remove a piece of legislation for separate consideration.

A. Award of Contract – to Simone and Collins Inc. Norristown PA, to develop an Active Transportation Plan at the cost of \$49,998.00 for Public Works. The plan will focus on downtown Reading and several other corridors and will provide suggestions for creating a more integrated and equitable road network that balances local livability with regional connectivity.

B. Resolution 64-2022 – authorizing the solicitor to execute and submit the approval of the repository bids for 416 Gilson Alley, 1409 Cotton St., 1027 Perry St, 752 Schuylkill Ave and 521 Maple St

C. Resolution 65-2022 – authorizing the mayor sign the necessary paperwork to effectuate the receipt of payments from PennDOT for the conveyances of temporary construction, slope and drainage easement authorized by Bill Number 101-2021 related to the Schuylkill Avenue Railroad Bridge Project

D. Award of Contract – to The Warko Group, Reading, PA at the submitted price of \$668,200 to upgrade the mechanicals at the Reading Public Library

E. Award of Contract –to A.J. Jurich, Aston PA. at the submitted price of \$482,250.00 for the removal and replacement of an existing section of storm water outfall pipe to be completed in accordance with the approved Erosion and Sediment Pollution Control Plan, associated Permit restrictions, and approved Aids to Navigation Plan for the Schuylkill River.

E. Award of Contract – to Telco, Inc., Reading PA, at the submitted price of \$258,447.00 for a traffic signal improvement project for 5 intersections that require various traffic signal items to be installed, replaced, and/or upgraded.

ADMINISTRATIVE REPORT

The acting managing director highlighted the report attached to the agenda.

MAYOR:

- Mayor Moran on behalf of the City of Reading is requesting the release of the National Opioid Settlement. The Nationwide Opioid Settlement agreement resolves litigation against pharmaceutical distributors McKesson, Cardinal Health, & AmerisourceBergen and manufacturer Janssen Pharmaceuticals, Inc. Pennsylvania has elected to participate in these settlements and as a result, Pennsylvania Counties and Municipalities with a population of 10,000 or more are eligible to participate in the settlements. The total allotment of funds received is dependent on the level of participation.

Settlements require 85% of funds to be allocated to programs that will help address the ongoing opioid crisis through treatment, education, and prevention efforts. PA has already passed agreements that dictate how funds will be distributed between state and local governments, ensuring funds will effectively reach communities in the coming months.

The settlement is the first of its kind to administer resources directly to the state and local levels, specifically for relief programs to help rebuild the devastation caused by the opioid epidemic. The settlement will distribute funds based on population adjusted for the proportionate share of the opioid epidemic impact. The share of the impact is calculated using detailed, and objective national data, including the amount of opioids shipped to the state, the number of opioid-related deaths that occurred in the state and the number of people who suffer opioid use disorder in the state.

COMMUNITY DEVELOPMENT:

- The Community Development Department staff prepared the Consolidated Annual Performance and Evaluation Report (CAPER) for the period of January 1, 2021, through December 31, 2021, as required by HUD and was advertised in the Reading Eagle on March 18th. The CAPER is designed to provide information on how the City used its federal, state, and local funds for housing and community development program year.
- The CD Department staff completed a Notice of Intent for the Lead Hazard Remediation program as required by HUD. The scope of work was developed for competitive bidding. Once the Lead Hazard Remediation staffing is assembled, the bids will be advertised.
- The Planning Commission approved the following projects during their regular business meeting:
 - Albright College's Exeter Student Dormitory project. Construction is set to begin in April, with an anticipated completion date of May 2023.
 - Berkshire Building project. Selective restructuring/demolition has begun. This project will create 79 apartments for 150 international students.
 - Medical Arts Building. Received conditional preliminary plan approval.
- The Community Development Department received authorization (Resolution 57-2022) to issue Habitat for Humanity the use of HUD funding for site improvements (sidewalk and curb) in front of eight residential units. Construction is anticipated to begin in early summer 2022 with completion in late 2023.
- The Community Development Department will submit a request to the US Department of Housing and Urban Development (HUD) by the end of March for the release of \$3,750,000 in Federal Lead-Based Paint Hazard Reduction grant funds, \$400,000 in Healthy Homes Supplemental grant funds, and \$450,000 in match funds. The Lead-Based Paint Hazard Control Grant Program will address lead and other hazards in housing units located in the City of Reading. This grant will help in remediating lead and other hazards in homes owned or occupied by low-income families with children under six years of age, and/or homes with pregnant women. The City proposes the remediation of 150 (estimated) housing units within the City. The average cost per unit will be approximately \$15,000 for lead remediation. Expected work includes, but is not limited to abatement, interim controls or healthy homes activities.
- The Community Development's Property Maintenance Division provided the following Quality of Life Report for February 2022. Violations are broken down by City Council District:

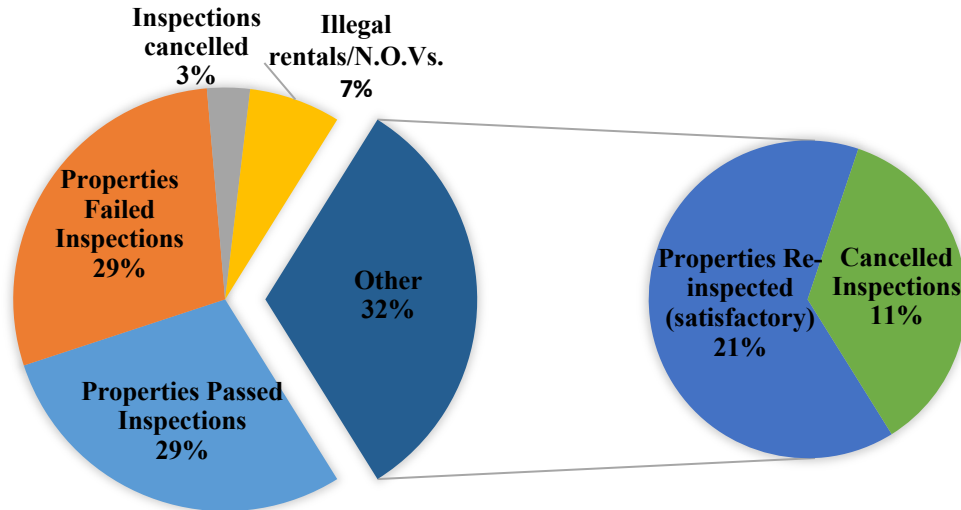
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Total</u>
QOL 001 Accumulation of Garbage	5	5	10	10	6	20	56
QOL 002 Animal maintenance and waste	0	1	1	0	0	0	2
QOL 003 Improper disposal of Garbage	1	7	1	0	0	4	13
QOL 004 Highweeds and grass	2	2	0	1	3	0	8
QOL 006 Motor vehicles	0	2	2	5	0	1	10
QOL 009 Outside placement of indoor furniture of appliances	0	0	0	0	0	1	1
QOL 013 Storage containers out of place	1	0	0	0	0	0	28
QOL 014 Storing or discarding appliances	0	0	0	0	0	0	0
<u>Total QOLs</u>	<u>8</u>	<u>17</u>	<u>14</u>	<u>16</u>	<u>9</u>	<u>26</u>	<u>118</u>

- The Community Development's Property Maintenance Division provided the following Inspection Summary for February 2022:

February Summary

Properties Passed Inspections	194
Properties Failed Inspections	193
Inspections cancelled	22
Illegal rentals/N.O.Vs.	47
Properties Re-inspected (satisfactory)	139
Cancelled Inspections	78

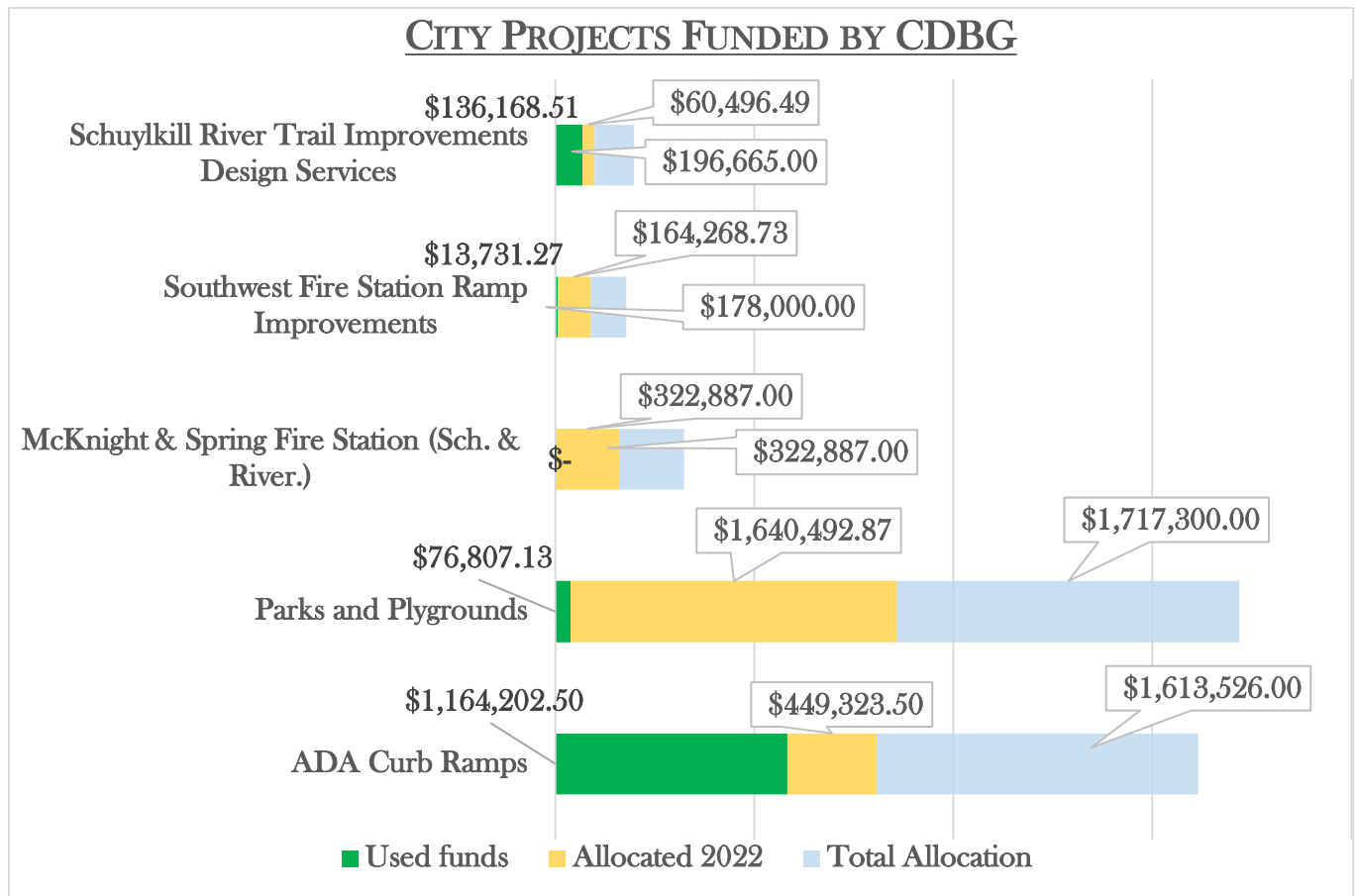
Properties Inspection – Two Week Summary (ending March 18, 2022)



- The Community Community Development's Zoning Division provided the following report on Planning and Zoning activities:

	10-Mar	18-Mar	Total
New permit applications rec'd City	5	13	18
Pending intake	2	4	6
Permit reviews completed	11	11	22
Application returned incomplete	1	0	1
Applications on hold/awaiting applicant	47	47	94
Applications pending/in review	53	64	117
Applications over 31 days	24	23	47
New Zoning Complaints/Enforcements			0
Open from 2021			0
New Inquiries/research new received	18	21	39
2022 Open inquiries	59	52	111
2021 Open inquiries	232	280	512
Site visits	10	0	10
Phone Calls	51	54	105
Walk-ins	86	97	183
Zoning Hearings (ZHB) March 9			

- The Community Development provided the following report on City projects funded CDBG:



DOWNTOWN:

- The Downtown Coordinator worked with Public Works and other volunteers to plant yellow and blue flowers along Penn Street in support of Ukraine.
- On March 14th, the Downtown Coordinator presented an overview of the downtown plan of action to Alvernia's Cultural Coalition.
- The Downtown Coordinator gave a tour of the downtown to the Leadership Berks group.
- The Downtown Coordinator is working with Police Traffic on concerns regarding ingress and egress from those attending events in the City.
- The Downtown Coordinator met with Berks Arts and the GRCA to discuss the potential for public art installments to occur.
- Presented at the Innovation Subcommittee Board Meeting to outline the Alvernia fellowship program which will support the City's Block Steward program which is in the final planning stages.

FINANCE:

- The Finance Department's staff continues to work on EnerGov and prepare for the future launch of the program.
- The CSC's continues to work with the Property Maintenance Division and the County Assessment to update ownership files in Hansen after problems were experienced with the January 2022 file.

- The CSC's mailed housing bills the week of March 14th. As a result of the mailing, the CSC has seen an increase in phone calls related to housing.
- The Finance Department's CSC provided the following data related to phone calls recieved:

REQUEST TYPE	REQUESTS	PERCENT
Sewer backup	111	23.62%
Property Maintenance Unpaid Fees Request	77	16.38%
Needs Recycling Bin	36	7.66%
Recycling Electronics	34	7.23%
Yardwaste	24	5.11%
Pothole or sunken utility cut	21	4.47%
Trash Pick up	18	3.83%
Property Inspections Scheduling	16	3.4%
Trash Enforcement	14	2.98%
Building and Trades Permits	13	2.77%
Meet with the Mayor	8	1.7%
Property Maintenance Issues	7	1.49%
Graffiti vandalism removal	7	1.49%
Zoning Inquiry	6	1.28%
Tire Removal/Pick Up	6	1.28%
Housing Permits	5	1.06%
Unpermitted construction activity	4	0.85%
Trash Education	4	0.85%
Trash Cans Outside Too Long	4	0.85%
Property Maintenance Fees	4	0.85%
Handicap parking	4	0.85%
Structure	3	0.64%
Sewer Grates Catch Basins	3	0.64%
Illegal Dumping	3	0.64%
Tree Trimming Private Property	2	0.43%
Street Sweeping	2	0.43%
Street Sign Request	2	0.43%
Recycling Pickup	2	0.43%
Quality of Life Violations	2	0.43%
Property Inspections	2	0.43%
Parks general	2	0.43%
Housing Inspection	2	0.43%
Historic preservation assistance	2	0.43%
Collections - Codes	2	0.43%
Clean City Projects	2	0.43%
Certificate of Transfer	2	0.43%
Zoning Violation	1	0.21%
Tree Trimming Public	1	0.21%

Tree Questions Permits	1	0.21%
Trash City of Reading		
Owned Property	1	0.21%
Street sign damaged or vandalized	1	0.21%
Street Repair or Paving	1	0.21%
Street light out or malfunctioning	1	0.21%
Street Inquiries	1	0.21%
Sewers Storm Renewal/Repair	1	0.21%
Roofs/Drainage	1	0.21%
Non Emergency Police	1	0.21%
Meet with the Managing Director	1	0.21%
Building & Trades		
Inspection Plumbing	1	0.21%
Abandoned Property	1	0.21%

- The Finance Department's Purchasing Division provided the following update on current and upcoming projects:
 - **Road Program.** Submissions are due by April 5th. The project consists of but not limited to the removal and replacement of roadway pavement and related items such as subbase repairs, base repairs, leveling, ADA curb ramp improvement and associated with signal improvements, pavement markings, loop detection systems.
 - **Reading Police Department Training and Special Operations Facility Engineering Project RFP.** Submissions from qualified individuals or firms are due by March 30th. The RFP is for design engineering service for the new Reading Police Department Training and Special Operations Facility.
 - **City Park Improvement Project.** Submissions are due March 28th. The project consists of removal of trees laying on the ground, unhealthy standing trees, pruning large trees, understory clearing and grubbing; provision of earthwork, porous asphalt paving walkways, segmental block piers, landscaping; installation of owner furnished modular play and swing structures, benches and safety surface mulch; and all incidental work.
- City Controller Michael Oppenheimer is working diligently on the 2021 audit.

FIRE:

- The Fire Department Suppression Units completed annual air consumption training drills in February.
- The 9th and Marion Fire Station project site work is progressing. Footers are now completed, and block work for the walls continues. Below is a current photo of progress at the worksite:

03-17-2022 Thu 12:18:49



HUMAN RELATIONS COMMISSION:

- Starting on January 1st, and as of March 18th, HRC has:
 - 108 total rent and utility assistance applications were received (An increase of 14 applications since last reported).
 - 93 applications for rental assistance
 - 96 applicants were facing eviction
 - 8 applicants were not actively facing eviction
 - 1 applicant resided outside of the City but within the County.
 - 3 application for utility assistance

HUMAN RESOURCES:

- The Human Resource Department would like to welcome the following new employees to the City of Reading organization:
 - Christopher Geltz began on March 1st as the City's Chief Building Official
 - Travis Kauffman began on March 8th as an EO II for Sanitary Sewers.
 - Margielene Soriano will begin on March 23rd as a part-time Accounting Clerk
 - Ryan Bradley will begin on April 1st as the Clean City Community Coordinator

LIBRARY:

- The Reading Public Library received positive media coverage on a strategic planning process written by the former Executive Director Ms. Bronwen Gamble and published on the Library Journal online. For those interested, you can access the article at:
 - <https://www.libraryjournal.com/story/Change-the-scene-backtalk>
- On March 8th and March 10th, the RPL Main Library hosted the PA Department of Health as they setup a table to distribute free COVID home test kits to the community.
- The RPL would like to thank the City and County DA's Office for funding 52 cameras at all four library branch locations. At this time, 51 of the 52 cameras have been installed and the last one is expected to be installed shortly.

POLICE:

- The Reading Police Department held its PT test on March 12th at Alvernia University. Out of 36 participants, 29 passed and will move onto the interview phase of the hiring process.
- Chief Tornielli met with the Chief County Probation Officer to collaborate on improving information sharing and response to violence.

- Chief Tornielli joined Mayor Moran in two meetings related to crime. One was organized by State Representative Guzman to discuss with business owners their concerns related to crime. The second meeting was hosted by Mayor Moran with various community organizations related to youth violence and available programming.
- Chief Tornielli met with the CEO of Haven Behavioral Hospital to discuss how officers could better facilitate the handoff of individuals with mental health issues to mental health professionals.
- The RPD's Lt. Lance Lillis continues to participate in a variety of outreach efforts. He participated in the COVID Resource event at 11th and Pike playground. Upcoming events include a Coffee with a Cop event for children on the Autism spectrum scheduled for April 2nd. Police Department tours are also being planned for elementary school students. In addition, Lt. Lillis will be participating in the Adopt-A-Block event and continue recruiting efforts at scheduled various events.
- The Reading Police Youth Academy continues to meet. In the next few weeks, cadets will be trained/certified in CPR.

PUBLIC WORKS:

- Public Works Director Kyle Zeiber is happy to share the WasteWater Treatment Plant is currently meeting all NPDES discharge and Air Quality permit requirements. In addition, all WWTP laboratory staff completed their PA DEP required annual ethics training.
- Public Works staff has completed 33 clean-up projects that resulted in 156 bags and 160 bulk items picked up.
- Public Works has recently delivered 150 recycling bins that residents have requested.
- Public Works continues to work on event planning for the Great American Cleanup scheduled on April 23rd.

Councilor Reed questioned how the whole of the Property Maintenance Division could only issue 118 QoL tickets over the course of one month. She noted that the average person can easily see a plethora of QoL violations on a daily basis and she questioned why those charged with the responsibility of enforcing such violations only see the opportunity to issue 118 tickets in a month's time. The acting managing director stated that the administration is looking into the issue and will report back.

Councilor Goodman-Hinnershitz agreed with the questions raised by Councilor Reed, especially QoL's for trash and littering related violations which exist each and every day in center city. She noted that her requests to board up the broken windows at the City owned 5th and Penn property that is located adjacent to the Alvernia CollegeTowne property in the 400 block of Penn Street have been ignored.

The acting managing director stated that the City is advertising to fill the new SWEEP positions that will focus on trash related issues.

Council Vice-President Cepeda-Freytiz inquired about the meeting the administration held with local small businesses. The acting managing director stated that this meeting was organized by

State Rep Guzman to connect small business owners with the greater law enforcement community.

Council Vice-President Cepeda-Freytiz questioned how the enforcement of lead related issues will be handled. The acting managing director stated that referrals should be made to the health inspectors or the lead intake officer.

AUDITOR'S REPORT

City Auditor Rodriguez read the report attached to the agenda:

CITY AUDITOR'S REPORT Monday February 28, 2022

Real Estate Transfer Tax - Update from 1/1/2018 to 1/31/2022

The following chart illustrates actual data from 01/01/2018 – 01/31/2022. The City receives a tax levy of 3.5% on the value of the Real Estate Transfer Tax for properties sold. In January of 2022, there were 249 Real Estate Transfer transactions of which 216 were taxable and 33 were nontaxable transactions, and \$702,030.86 in revenue was recorded during this month. For the current year, \$5.5 million was budgeted for this line item. In 2021, there was a surplus of about \$4 million.

	2022	2021	2020	2019	2018
January	702,030.86	535,849.04	323,123.52	223,920.68	293,105.03
February		523,300.89	511,220.85	615,116.21	204,053.26
March		1,178,885.61	601,103.82	266,411.11	348,937.95
April		717,308.73	235,765.07	548,506.44	347,097.22
May		447,710.27	157,245.87	441,084.11	322,871.76
June		719,042.39	1,464,932.00	363,997.72	350,369.72
July		752,234.50	437,026.44	359,547.89	350,708.33
August		1,078,840.76	361,892.51	353,006.61	514,841.63
September		678,323.20	501,228.42	350,731.42	324,492.29
October		480,665.62	493,787.54	340,908.53	389,823.15
November		844,193.89	510,649.58	330,855.79	267,444.32
December		837,430.85	993,086.79	457,238.03	576,429.44

Total Revenue		8,793,785.75	6,591,062.41	4,651,324.54	4,290,174.10
Total Budgeted	5,500,000.00	4,700,000.00	4,200,000.00	3,800,000.00	3,350,000.00
Over/(Under) Budget		4,093,785.75	2,391,062.41	851,324.54	940,174.10

	Total Transactions		Non-Taxable		Taxable
January	249		33		216

Also during the month of January of 2022, one property sold in the City of Reading for more than a half million dollar threshold. This sale generated \$21,000 in Real Estate Transfer Tax revenue, which is included in the amount that was collected during the month of January.

The following table lists the one property that sold within the threshold of a half million dollars:

Property Address	Month of Sale	Sale Price	Rate - 3.5%
527 Court Street	January	600,000	21,000.00

Cable Franchise Fees – Update as of 12/31/2021

In 2021, the City budgeted \$825,000 in revenue for the Cable Franchise Fees. However, the City only recorded \$800,925.97 in actual revenue, and the year ended with a budget shortfall of \$24,074.23.

The graph below shows that the highest revenue collected for this line item for the period of 2017-2021 was received in 2017, when \$913,806.59 in revenue was recorded. Since this year, this revenue line item has been recording a budget shortfall.

The chart below illustrates the Cable Franchise Fees – Update for 2017-2021:

	2021	2020	2019	2018	2017
1 st Quarter	205,330.02	207,751.86	209,042.39	212,684.39	229,932.97
2nd Quarter	204,350.84	206,508.34	210,579.70	214,578.59	236,184.17
3rd Quarter	197,767.57	203,557.64	199,517.55	208,734.78	224,527.59
4th Quarter	193,477.54	200,679.36	204,481.07	214,925.66	223,161.86
Total Revenue	800,925.97	818,497.20	823,620.71	850,923.42	913,806.59
Total Budgeted	825,000.00	875,000.00	875,000.00	930,000.00	875,000.00

Budget Surplus/(Shortfall)	(24,074.03)	(56,502.80)	(51,379.29)	(79,076.58)	38,806.59
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User Fees Revenue – Update as of 12/31/2021

For the fiscal year of 2021, the City originally budgeted \$3,000,000.00 for User Fees, which is the revenue collected for EMS services that the City provides. However, \$33,500 was subsequently added to this budget line item to cover the expense of collection. As of December 31, 2021, the City had collected \$3,287,855.40, and this revenue line item ended up with a surplus of \$254,355.40.

The chart below illustrates User Fees - Update for 2017-2021:

	12/31/2021	12/31/2020	12/31/2019	12/31/2018	12/31/2017
User Fees-EMS	3,287,855.40	2,405,142.53	3,333,157.10	2,808,204.15	2,912,755.52
Total Budgeted	3,033,500.00	3,196,000.00	3,095,000.00	2,900,000.00	2,900,000.00
Over/(Under) Budget	254,355.40	(790,857.47)	238,157.10	(91,795.85)	12,755.52

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

Rich Rosato, Chair of the Animal Control Board, described the activities of the Animal Control Board in concert with the Animal Rescue League (ARL). Since their last report the board has been working to handle cruelty to animal complaints, updating the Animal Code, considering the need for live animal markets, addressing breeding issues, handling chicken/rooster investigations and considering requests for residents to keep 6+ cats/dogs, etc.

Councilor Goodman-Hinnershitz noted the growing number of unleashed dogs roaming the streets and parks and increasing public safety problems. Mr. Rosato stated that the Animal Code requires animals to be leashed and under the control of the owner when outside of the home.

Council President Waltman inquired about pets exposed to extreme temperatures. The City Clerk stated that the ARL, as per City ordinance, can call a Code Red or Code Blue to protect animals from extreme temperatures.

Councilor Reed inquired about permits to keep chickens within Reading, noting a recent application on York Street in District 5. Mr. Rosato stated that the Animal Control Board can approve a permit to allow chicken/roosters followed by a zoning application for housing of the birds.

ORDINANCES FOR FINAL PASSAGE

WITHDRAWN BY COUNCIL

A. Bill No. 17-2022 – approving settlement agreement pertaining to the outstanding loans related to the Book Bindery Building at 148 North Fourth Street ***Tabled at the February 28 regular meeting; Tabled at the March 14th regular meeting***

B. Bill 18-2022– amending City Code Chapter 576 Vehicles & Traffic Section 420 Parking Against the Traffic Flow by exempting vehicles parked in violation of this section due to winter weather conditions ***Introduced at the February 28 regular meeting; Tabled at the March 14th regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Ventura, to enact Bill No. 18-2022.

Bill No. 18-2022 was enacted by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6
Nays: None - 0

C. Bill 25-2022 – amending the City Code, Administrative Code Section 5-215 Council Districts, as recommended by the Redistricting Advisory Commission ***Introduced at the March 14 regular meeting; Public Hearing held on March 21***

Councilor Reed moved, seconded by Councilor Ventura, to enact Bill No. 25-2022.

Councilor Reed commended those appointed to this Advisory Commission for their hard work to find an equitable recommendation based on the 2020 Census data broken down at the precinct level. She stated that this recommendation would not be possible without the stellar assistance provided by County Planner Mike Golembiewski, noting his expertise with the census results and his assistance to former Redistricting Commissions.

Council Vice President Cepeda-Freytiz agreed noting that the Commission used an open, clean and fair process to develop this excellent recommendation.

Bill No. 25-2022 was enacted by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6
Nays: None - 0

D. Bill 26-2022 – amending the 2022 Human Relations budget by adding a \$250,000 ARPA allocation for rental and utility assistance ***Introduced at the March 14 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 26-2022.

Bill No. 26-2022 was enacted by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6

Nays: None - 0

E. Bill 27-2022 – amending City Code Section 576-502, Parking Zones Established; Traffic Control to remove metered parking on the 100, 200, and 300 blocks of North Ninth Street ***Introduced at the March 14 regular meeting***

Councilor Reed moved, seconded by Councilor Ventura, to enact Bill No. 27-2022.

Council President Waltman asked the acting managing director to explain this change. The acting managing director stated that this was a pilot program. Due to the input from residents in these neighborhoods, the administration has decided that having metered parking in these neighborhoods does not suit the needs of the overall neighborhood.

Bill No. 27-2022 was enacted by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6
Nays: None – 0

**WITHDRAWN BY COUNCIL AND REPLACED WITH
RESOLUTION 69-2022 UNDER THE RESOLUTION HEADING**

F. Bill 28-2022 – amending City of Reading Code Section 576-403 Parking Prohibited in Certain Areas by requiring parking stalls on City Streets and requiring that vehicles be parked between the stall lines. No portion of a vehicle shall be located on or over a line designating a parking space but shall be located within a single marked space. No vehicle shall be permitted to occupy more than one parking space at any time. ***Introduced at the March 14 regular meeting***

INTRODUCTION OF NEW ORDINANCES

Councilor Butler read the following ordinances into the record:

A. Ordinance – amending the 2022 Fund 43 City Facilities Construction Fund Budget by providing \$400K for the sidewalk replacement program. The funds will be paid by a budget amendment in the City's Facilities Construction Fund budget

B. Ordinance – authorizing the mayor to accept land donated by the Honorable Arthur E. and Louise C. Grim at 2049 Hessian Boulevard, in the City of Reading, and conveying a City-owned undeveloped parcel on New Holland Road to Berks Nature.

C. Ordinance – amending by eliminating City Code Chapter 23, Part 2 Penn Square Commission, Chapter 396 Parks, Part 2 Penn Square and the permitting process which is inconsistent with Chapter 576 and reserving Part 2 for future use

RESOLUTIONS

A. Resolution 66-2022 – appointing Susan Williams to the Charter Board

B. Resolution 67-2022 – reappointing Richard Wagner to the Human Relations Commission

Councilor Goodman-Hinnershitz moved, seconded by Councilor Ventura, to adopt Resolution Nos. 66-67 - 2022.

Councilors Goodman-Hinnershitz and Cepeda noted the skills and strengths of those being appointed and reappointed this evening. They also thanked the nominees for volunteering for public service and encouraged others to get involved.

Resolutions 66-67-2022 were adopted by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6
Nays: None - 0

C. Resolution 68-2022 – confirming the appointment of Christopher Geltz, as Chief Building Official for the City of Reading.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Ventura, to adopt Resolution No. 68 - 2022.

Resolution 68-2022 was adopted by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6
Nays: None - 0

D. Resolution 69-2022 – authorizing a temporary parking regulation Pilot Program for the installation of parking stalls at prescribed locations within the City and parking requirements related thereto, for a 90 day period, pursuant to Chapter 576 Vehicles, Section 105 Experimental Regulations, effective July 1, 2022.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Ventura, to table Resolution No. 69-2022.

Resolution 69-2022 was tabled by the following vote:

Yeas: Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Ventura, Waltman, President - 6
Nays: None - 0

COUNCIL COMMENT

Councilor Goodman-Hinnershitz stressed the need for the City to develop an evidence based strategic plan on violence prevention and intervention, noting the need to end the “ready, shoot, aim” approach used in the past. She announced the start of Jazz Fest this coming Friday. She urged all City residents to be good ambassadors for Reading.

Councilor Reed agreed with Councilor Goodman-Hinnershitz's remarks about crime noting the stress and trauma violent crime has on the community and the families of those involved. She noted the need for broad community intervention and interaction to end violent crime, as that connection can easily calm or interrupt a pending situation. She noted the great performance of the Reading Police Department to manage crime within the City.

Councilor Reed noted the passing of long-term District 5 resident Mr. Davis who had the ability to cheer all those he came in contact with.

Council President Waltman agreed with the remarks made about violent crime, adding that there is not one simple solution. He suggested that today's world is filled with the "more, more, more" capitalistic attitude and he urged all people, young and old, to keep things in perspective as they move through life.

Council Vice President Cepeda-Freytiz stated that the recent violent crime is a "Call to Action" for all community members. She urged everyone to subscribe to the "see something, say something" approach through phone calls to police, through iRequest, through calls to Crime Watch and through the new Police Portal when it becomes available.

Council Vice President Cepeda-Freytiz urged all to celebrate the accomplishments of the youth. She noted that the first 1st Friday event is scheduled for this Friday, April 1st at 4th and Penn.

Council Vice President Cepeda-Freytiz announced the upcoming meeting schedule, including the interviews of the District 1 applicants on Wednesday the 30th starting at 5 pm.

Councilor Reed moved, seconded by Councilor Ventura, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

**City of Reading City Council
Special Meeting
April 4, 2020**

Council President Waltman called the special meeting to order and announced that the purpose of this meeting is to appoint the new District 1 representative.

ATTENDANCE

Council President Waltman
Councilor Goodman-Hinnershitz, District 2
Councilor Reed, District 5
Councilor Cepeda-Freytiz, District 6
Council Solicitor M. Gombar

City Clerk L. Kelleher
City Auditor M. Rodriguez

PUBLIC COMMENT

Council President Waltman stated that there is one (1) citizen registered to address Council. He reminded the citizen of the public speaking rules.

Strat Marmarou, of Linden Street, spoke in support of appointing Chris Daubert to the District 1 seat due to his experience, knowledge of City issues and his congenial attitude. He thanked Council for using a fair process to consider those who applied.

APPROVAL OF THE AGENDA

Council President Waltman called Council's attention to the agenda for this meeting, and he inquired if anyone objected to the legislation listed. No one objected.

The agenda for this meeting was approved by acclimation.

RESOLUTIONS

Resolution 70 - 2022 – appointing Christopher Daubert to the District 1 Council seat effective immediately.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 70-2022.

Councilor Reed noted the open and fair process used to consider all those who applied for the District 1 seat.

Councilor Butler connected to the meeting at this time and he was recognized by the Council President.

Councilor Goodman-Hinnershitz noted the great diversity in skills, backgrounds and expertise by all those who applied. She expressed her belief in the process Council used to consider the applicants.

Councilor Cepeda-Freytiz agreed that the process Council uses is fair and open. She spoke about the quality of Mr. Daubert's public service in the past and she expressed the belief that he will also provide great public service moving forward.

Councilor Butler welcomed Mr. Daubert and stated that he looks forward to working with him.

Council President Waltman thanked all who submitted applications, noting that the quality of all applicants left City Council with a difficult decision. He noted that the appointment expires the first Monday in January 2024, adding that the election for a new two (2) year term is in 2023.

Resolution 70-2022 was adopted by the following vote:

Yeas – Butler, Cepeda-Freytiz, Goodman-Hinnershitz, Reed, Waltman, President - 5
Nays: None 0

The City Clerk administered the oath of office to Mr. Daubert.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adjourn the special meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: April 11, 2022
AGENDA MEMO DATE: March 30, 2022
RECOMMENDED ACTION: Awarding of Contract for the City Hall Roof Replacement Phase 1

RECOMMENDATION

The recommendation is to award the contract to Mid-State Roofing and Coating, 4088 E. Main Street, Belleville, PA 17004, at the submitted price of \$464,485.00.

BACKGROUND

The City Hall Roof Replacement Phase 1 will encompass complete demolition of portions of existing building(s) indicated or as required in preparation for alterations and installation of new roofing system.

Take all necessary precautions to insure against damage to existing work to remain in place, to be reused, or to remain the property of the Owner, and any damage to such work shall be repaired or replaced as approved at no additional cost to the Owner.

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds in budget account code 340774 48001.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the April 11, 2022 meeting.

RECOMMENDED BY

Mayor, Managing Director, Acting Public Works Director, Director of Finance, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award the contract to Mid-State Roofing and Coating for the City Hall Roof Replacement Phase 1.

March 16, 2022

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID: City Hall Roof Replacement Phase 1

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Mid State Roofing and Coating 4088 East Main St. Belleville, PA 17004	\$464,485.00
The Warko Group 18 Morgan Dr. Reading, PA 19608	\$528,428.00
D.A. Nolt Inc. 53 Cross Keys Road Berlin, NJ 08009	\$594,264.00
Detwiler Roofing 1578 Main Street East Earl, PA 17519	\$686,600.00
Tammi Reinhart Purchasing Coordinator	

AGENDA MEMO

Public Works, Utilities Division, Sewers Dept.

TO: City Council
FROM: Robert Gensemer, Sewer Systems Superintendent

PREPARED BY: Robert Gensemer, Sewer Systems Superintendent

MEETING DATE: April 11, 2022
AGENDA MEMO DATE: March 31, 2022

RECOMMENDED ACTION: Awarding of project to add a 2017 STETCO Catch basin cleaner capable of cleaning catch basins and storm debris catchers in Pendora Park, Egelmans Creek area and Bernharts Creek without having personnel in harm's way.

RECOMMENDATION

The recommendation is to purchase a 2017 STETCO Catch basin cleaner from Jack Doheny Companies, 777 Doheny Drive Northville, MI 48167 for the total submitted price of \$180,000.00. Jack Doheny Companies is sole distributor for STETCO and we have found no other companies that make a unit like this.

BACKGROUND

This vehicle is built on a 2017 Ford F550 chassis (VIN 1FDUF5HT9HDA05242). The vehicle has 550 hours on it and around 21,000 miles. The body is a dump truck with a crane installed between the cap and the bed. The crane with telescopic boom can be run remotely and has different buckets available. It is capable of reaching 35 feet below ground level for cleaning, retrieving objects, etc. The telescopic boom reaches from 7 feet to 13 feet. The boom capacity at maximum length is 2000 lbs. This unit was demonstrated for The City of Reading in August of 2021. It is now being sold as a Demo unit. A new 5 year bumper to bumper warranty will be provided by Ford Motor Company.

BUDGETARY IMPACT

The Utilities Division has determined there are sufficient funds to cover the purchase and is included in the 2022 budget.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to approve the purchase of the 2017 STETCO Catch basin cleaner.

RECOMMENDED BY

Utilities Division Manager, Systems Superintendent

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the 2017 STETCO Catch basin cleaner from Jack Doheny Companies.

cc: File



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Fire Chief William I. Stoudt, Jr.
PREPARED BY: AO Michele Kline
MEETING DATE: April 11, 2022
AGENDA MEMO DATE: April 4, 2022

REQUESTED ACTION: Council's approval for the purchase of a 2023 Ford E450 AEV Ambulance for the Department of Fire and Rescue Services

RECOMMENDATION:

The recommendation for Council to award the contract for the purchase of a 2023 Ford E450 AEV Ambulance to Speclin Emergency Vehicle Sales & Service 409 Porter Avenue, Scottdale PA 15683 in the amount of \$190,000.00. Speclin EV is a PA COSTARS Vendor and the contract is reflective of the COSTARS pricing.

BACKGROUND:

The purpose of the project is for the replacement of the Department of Fire and Rescue Services current 2013 Ambulance that has 138,882 miles on it.

BUDGETARY IMPACT

\$190,000.00 for the project has been included and approved as part of the 2022 Capital Improvement Budget.

PREVIOUS ACTIONS

Approval of the project as part of the 2022 Capital Improvement Plan

SUBSEQUENT ACTION

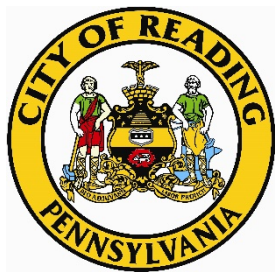
Formal action by Council is required to approve the contract for the purchase of a 2023 Ford E450 AEV Ambulance.

RECOMMENDED BY:

The Fire Chief

RECOMMENDED MOTION:

Approve/deny the recommendation for the purchase of a 2023 Ford E450 AEV Ambulance to Speclin Emergency Vehicle Sales & Service 409 Porter Avenue, Scottdale PA 15683 in the amount of \$190,000.00



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: April 11, 2022
AGENDA MEMO DATE: April 6, 2022
RECOMMENDED ACTION: Awarding of Contract for the City Park Playground Improvements Project

RECOMMENDATION

The recommendation is to award the contract to Empire Services, 1440 Carbon Street, Reading, PA 19601 at the submitted price of \$843,100.

BACKGROUND

The project consists of the following: removal of trees laying on ground and unhealthy standing trees, pruning large trees, understory clearing and grubbing; provision of earthwork, porous asphalt paving walkways, segmental block piers, landscaping; installation of owner furnished modular play and swing structures, benches, and safety surface mulch; and all incidental related work.

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds in budget account code 32-10-00-42160 project number 32-10-38.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the April 11, 2022 meeting.

RECOMMENDED BY

Mayor, Managing Director, Acting Public Works Director, Director of Finance, Public Works Director, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award the contract to Empire Services for the City Park Playground Improvements Project.

March 30, 2022

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID: City Park Playground Improvements

BIDDER

TOTAL BID PRICE

Empire Services
1440 Carbon Street
Reading, PA 19601

\$843,100.00

Tammi Reinhart
Purchasing Coordinator



AGENDA MEMO

POLICE DEPARTMENT

TO: City Council
FROM: Richard Tornielli, Chief of Police
PREPARED BY: Lance Lonsinger, Sergeant, Quartermaster
MEETING DATE: April 11, 2022
AGENDA MEMO DATE: April 6, 2022
RECOMMENDED ACTION: Awarding of contract to Purchase a New Police Vehicle to Whitmoyer Ford, Inc.

RECOMMENDATION

The recommendation is to award the contract to Whitmoyer Ford, Inc. 1001 East Main St, Mount Joy, PA, 17552-9333 for the purchase of one (1) new patrol vehicle for the Police Department Fleet.

BACKGROUND

This purchase consists of (1) 2022 Ford Transit prisoner transport van. This new vehicle is coming with a 5 year 75,000 mile warranty. Quotes were received from 3 CoStars vendors. Whitmoyer Ford, Inc. is an authorized City of Reading Vendor and is also a member of CoStars.

BUDGETARY IMPACT

The Police Department has confirmed there are sufficient funds to cover this project. The total award amount is \$80,375.00. This purchase is being funded by 2022 Capitol Improvement Project Fund 34-08-30-00-48003.

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the April 11, 2022 Council meeting.

RECOMMENDED BY

Chief of Police, Administrative Services Director.

RECOMMENDED MOTION

Approve/Deny the recommendation for the award of contract to Whitmoyer Ford, Inc. for the purchase of one (1) new patrol vehicle for the Police Department Fleet.

cc: File

Drafted By:	Police Department
Referred by:	Richard Tornielli – Police Chief
Introduced on:	04/11/2022
Advertised on:	

RESOLUTION NO. _____ 2022

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Authorizing the purchase of one (1) patrol vehicle for the Police Department, Patrol Division from COSTARS Vendor [Contract #025-162] Whitmoyer Ford, Inc, Mount Joy Pa, in the amount of \$80,375.00.

Adopted by Council _____, 2022

President of Council

Attest:

Linda A. Kelleher
City Clerk



Administrative Report

Mayor Eddie Moran

MAYOR:

- Mayor Moran initiated discussions with many community leaders from various organizations such as the Reading School District, Berks Community Action Program, Olivet Boys and Girls Club, Reading Recreation Commission, The Village, Reality Check Project, local colleges and universities, parents, and many others. Discussions continue to identify how organizations can collaborate and do outreach. The Mayor attended after-school dismissal at the high school and middle schools to provide teens with information on programming from organizations that submitted their programming information.
- Mayor Moran is aware of a volunteer-based group called the Cultural Coalition initiated by Alvernia's O'Pake Institute that will provide strategic planning for ongoing initiatives and help support those leading those efforts to execute the programs. It will also undertake some of its own projects. The coalition is being chaired by Adonis Fleming, Graduate Assistant of Community Outreach for O'Pake. Mayor Moran chose Maritza Loaiza, Special Assistant in the Office of the Managing Director, as the City's representative and co-chair of the effort. The coalition consists of three task forces: arts and culture, community and neighborhood revitalization, and education and workforce development.

The community and neighborhood revitalization task force will help the City form a block captain program in which a captain is assigned to each block in Reading to facilitate community engagement and improve social connections.

The arts and culture task force will promote awareness of and celebrate local artists. Its first project will be to bring artists together to co-design a citywide communications campaign.

The education and workforce development task force will partner with organizations and institutions to enhance access to post-secondary opportunities in the workforce and higher education. That includes supporting workforce training programs and helping community members to connect with the colleges and universities in Berks County. One of their first projects will be assisting the Mayor's Youth Violence Prevention group in

creating a directory of programming for access by any community organization interested in contributing and accessing to help our youth.

- Mayor Moran announced that Reading, PA, was chosen as one of ten communities along the greater Delaware River Watershed to host a local Climate Corps. PowerCorpsPHL is currently accepting applications to serve as AmeriCorps members on the new Reading Climate Corps for six months. Members will serve on a crew from Spring 2022 to Fall 2022. This opportunity is open to Reading community members ages 18-24. Citizens, nationals, or lawful permanent resident aliens can apply. Anyone currently unemployed or underemployed, with a high school diploma or GED, looking to build career skills and connections, is eager for growth, and wants to contribute to their community is encouraged to apply. English can be the applicant's first or second language, and this opportunity is background friendly. Young people with criminal records are encouraged to apply. Climate Corp Members will experience environmental stewardship in local parks, waterways, and other public spaces, professional development, skill-building, and connections to career pathways, supportive services provided to remove barriers to participating, giving back to the Reading community. For more information on the program please see the attached flyer or visit:

<https://www.cognitofrms.com/PowerCorpsPHL1/ReadingClimateCorpsMemberApplication>

COMMUNITY DEVELOPMENT:

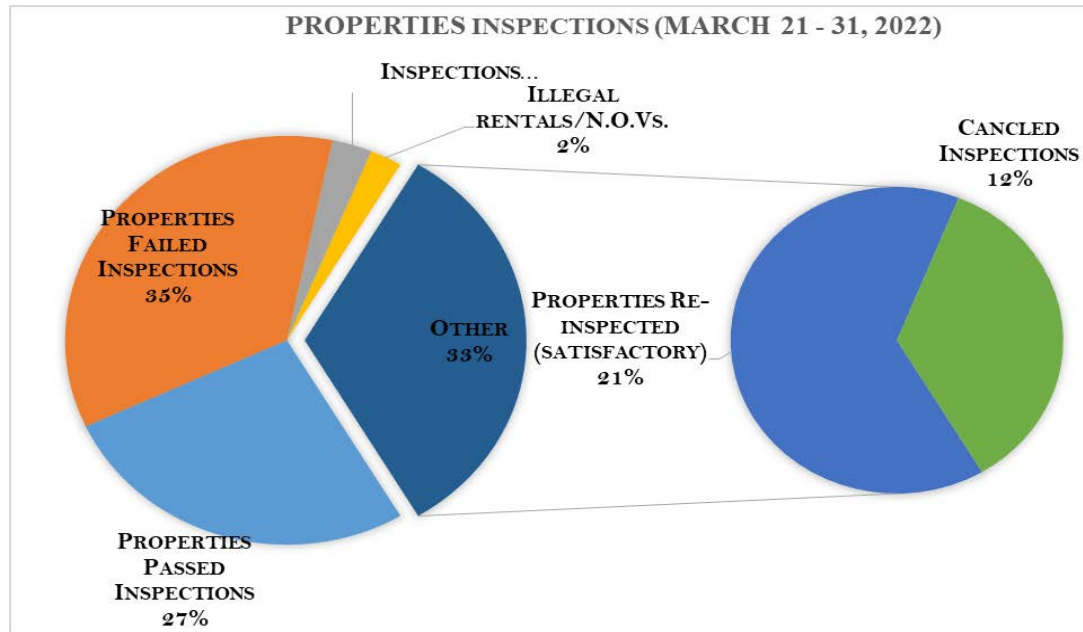
- On March 21st, the Community Development Department held the first Active Transportation Steering Committee with the PA Downtown Center to coordinate the development of an action plan.
- The Community Development's Property Maintenance Division provided the following Quality of Life Report for February 2022. Violations are broken down by City Council Districts:

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	Total
QOL 001 Accumulation of Garbage	6	17	14	10	6	13	66
QOL 002 Animal maintenance and waste	0	1	1	0	0	0	2
QOL 003 Improper disposal of Garbage	0	4	2	0	0	1	7
QOL 004 Highweeds and grass	1	6	2	0	3	0	12
QOL 006 Motor vehicles	0	3	2	3	1	2	11
QOL 009 Outside placement of indoor furniture of appliances	0	0	0	0	0	1	1
QOL 013 Storage containers out of place	2	6	2	1	2	12	25
QOL14 Storing or discarding appliances	0	0	0	0	0	0	0
Total QOLs	9	37	23	14	12	29	124

- The Community Development's Property Maintenance Division provided the following Inspection Summary for February 2022:

Two Week Summary

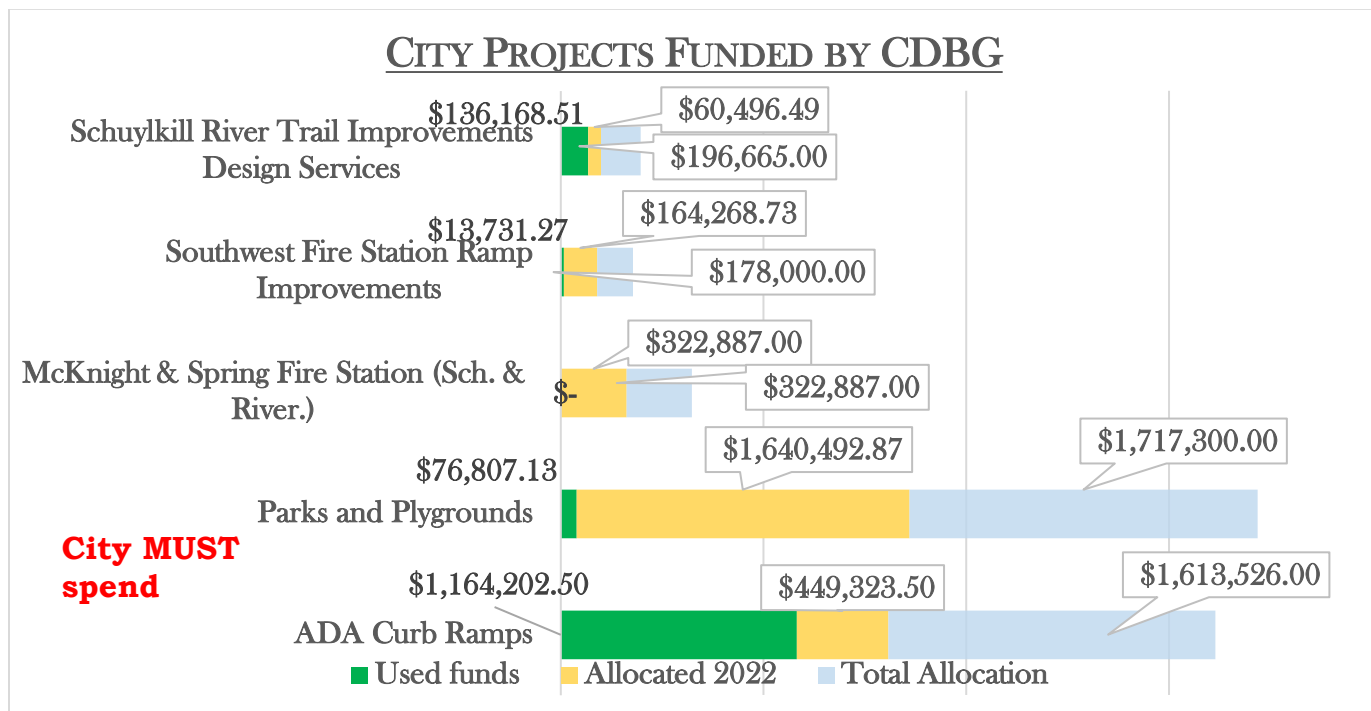
Properties Passed Inspections	183
Properties Failed Inspections	242
Inspections cancelled	20
Illegal rentals/N.O.Vs.	16
Properties Re-inspected (satisfactory)	146
Cancelled Inspections	80



- The Community Development's Zoning Division provided the following report on Planning and Zoning activities:

	21-Mar	31-Mar	Total
New permit applications rec'd City	12	9	21
Pending intake	9	10	19
Permit reviews completed	23	16	39
Application returned incomplete	0	1	1
Applications on hold/awaiting applicant	49	58	107
Applications pending/in review	81	51	132
Applications over 31 days	37	14	51
New Zoning Complaints/Enforcements	8	8	16
Open from 2021			0
New Inquiries/research new received	18	21	39
2022 Open inquiries	59	52	111
2021 Open inquiries			280
Site visits	6	0	6
Phone Calls	75	56	131
Walk-ins	129	99	228
Zoning Hearings (ZHB) April 13			

- The Community Development provided the following report on City projects funded CDBG:



DOWNTOWN:

- The City successfully hosted the first First Friday Block Party of the season on April 1st despite the cold and windy weather.
- With the Reading Police Department's presence downtown out of their substation, they report all concerns to the Downtown Coordinator regarding trash, security checks of empty storefronts, and suggestions to support a safer downtown.
- The Downtown Coordinator is in the process of hiring additional downtown staff to help support a clean and safe downtown.

FINANCE:

- The Finance Department's Information Technology staff completed the installation of the new Wi-Fi network at City Hall. Staff is now working on onboarding the City's remote sites.
- IT is modifying the City-owned iPads to allow for data usage reduction. Research continues into mobile device management solutions for city-owned iPads and cell phones to improve use.
- The Accounting Division continues to participate in Munis training for other areas such as capital assets. In addition, they continue to assist staff throughout the organization with questions and resolve issues.
- The Accounting staff has reviewed and responded to the external auditor's request list and provided the City's Controller with the information for further review and submission.

- The Finance Department's CSC provided the following data related to phone calls received:

REQUEST TYPE	REQUESTS	PERCENT
Trash Pick up	94	3.93%
Trash Enforcement	75	3.14%
Property Inspections Scheduling	71	2.97%
Property Maintenance Issues	57	2.38%
Meet with the Mayor	43	1.8%
Building and Trades Permits	41	1.71%
Zoning Inquiry	35	1.46%
Tire Removal/Pick Up	30	1.25%
Street Sweeping	26	1.09%
No Heat	21	0.88%
Recycling Pickup	20	0.84%
Trash Cans Outside Too Long	17	0.71%
Clean City Projects	17	0.71%
Graffiti vandalism removal	15	0.63%
Trash Education	14	0.59%
Handicap parking	14	0.59%
Property Maintenance Fees	13	0.54%
Zoning Violation	12	0.5%
Unpermitted construction activity	12	0.5%
Infestation	12	0.5%
Feeding Animals	12	0.5%
Street light out or malfunctioning	11	0.46%
Sewer Inquiries	11	0.46%
Illegal Dumping	11	0.46%
Tree Trimming Private Property	10	0.42%
Housing Inspection	10	0.42%
Collections - Codes	10	0.42%
Structure	8	0.33%

Street Sign Request	8	0.33%
Street Repair or Paving	8	0.33%
Unsecured/Open Property	7	0.29%
Parks general	7	0.29%
Dog dirt	7	0.29%
Sewer Grates Catch Basins	6	0.25%
Sewer backup	543	22.71%
Property Maintenance Unpaid Fees Request	229	9.58%
Needs Recycling Bin	181	7.57%
Yardwaste	174	7.28%
Pothole or sunken utility cut	143	5.98%
Recycling Electronics	121	5.06%
Housing Permits	105	4.39%
Mold/Mildew	6	0.25%
Line Painting	6	0.25%
Hauler Issue	6	0.25%
Dead animal	6	0.25%
Tree Questions Permits	5	0.21%
Street sign damaged or vandalized	5	0.21%
No Water	5	0.21%
Historic preservation assistance	5	0.21%
Certificate of Transfer	5	0.21%
Abandoned Property	5	0.21%
Traffic signal out or malfunctioning	4	0.17%
Sewers - Sign Posting	4	0.17%
Plumbing Issue	4	0.17%
Non-Emergency Police	4	0.17%
Meet with the Managing Director	4	0.17%
Abandoned Vehicles on Property	4	0.17%
Trash City of Reading Owned Property	3	0.13%

Sidewalk Construction Permits	3	0.13%
Quality of Life Violations	3	0.13%
Property Inspections	3	0.13%
Certificate of Occupancy	3	0.13%
Animal Control - Live Animals	3	0.13%
Vehicle Nuisance	2	0.08%
Tree Trimming Public	2	0.08%
Street Inquiries	2	0.08%
Roofs/Drainage	2	0.08%
Recycling Education	2	0.08%
Over grown grass and weeds	2	0.08%
Odor	2	0.08%
No Trash Hauler	2	0.08%
Building & Trades Inspection Plumbing	2	0.08%
Building & Trades Inspection Mechanical	2	0.08%
Sewers Storm Renewal/Repair	1	0.04%
Sewer Billing Inquiry	1	0.04%
Rooms for Rent	1	0.04%
Playground Maintenance	1	0.04%
Other	1	0.04%
No Electric	1	0.04%
Indoor Furniture	1	0.04%
Illicit Discharge	1	0.04%
Illegal Conversions	1	0.04%
Hoarding Clutter Situation	1	0.04%
Health Bills	1	0.04%
Electrical Issue	1	0.04%
Curb/Sidewalk Repair Enforcement	1	0.04%
Building & Trades Inspection Building	1	0.04%

- The Finance Department's Purchasing Division provided the following update on current and upcoming projects:
 - **Road Program.** Submissions are due by April 5th. The project involves removing and replacing roadway pavement and related items such as subbase repairs, base

repairs, leveling, ADA curb ramp improvement and associated signal improvements, pavement markings, and loop detection systems. All paving work must be substantially complete by October 31, 2022, and all ADA improvements by August 31, 2023.

- **Reading Police Department Training and Special Operations Facility Engineering Project RFP.** Submissions from qualified individuals or firms are due by April 14th. The RFP is for design engineering service for the new Reading Police Department Training and Special Operations Facility.
- **RFQ – Penn Square Properties** – The selection review committee completed interviews of those who submitted proposals.
- The Finance Department’s Grants Division provided the following update on current and upcoming projects:
 - **600 Penn Project** (DCED) is on schedule, and the anticipated construction completion date is June 1, 2022.
- The Finance Department’s Grant Coordinator attended the 2022 Grants Funding Landscape for your Next Technology–Enabled Project in Education or Government (sponsored by HP). HP, AMD, and Microsoft partner to support Grants Office LLC to create the HP Grants Support Program. The Grants Office team shares information on grant-seeking opportunities and how to best position grant applications for success.
- City Controller Michael Oppenheimer assisted, reviewed, and/or reported the following reports were submitted timely:
 - DCED Annual Financial Report (Herbein prepares, City reviews, and submits)
 - AG385 Pension Census Report
 - Act 205 Pension Report
 - Annual External Audit (currently gathering documentation and coordinating City activity)

FIRE:

- The Fire Department would like to share that the Reading’s Fire and Police hockey team won the 2022 Battle of the Badges hockey game on March 27th against Allentown’s Police hockey team. The final score was 10-3.
- The 9th and Marion Fire Station project site work is progressing. Below are two photos taken on April 1st showing the progress at the worksite:



HUMAN RELATIONS COMMISSION:

- Starting on January 1st, and as of April 1st, HRC has:
 - 138 total rent and utility assistance applications were received (An increase of 30 applications since last reported).
 - 132 applications for rental assistance
 - 115 applicants were facing eviction
 - 8 applicants were not actively facing eviction
 - 3 applicants resided outside of the City but within the County.)
 - 6 applications for utility assistance

- Since January 1st, HRC Director has attended 15 eviction court proceedings at District Judge Butler’s courtroom to provide landlord-tenant mediation, rental assistance, and other social service referrals when needed.

HUMAN RESOURCES:

- The Human Resource Department Training Coordinator announced the safety training schedule for employees. Sessions are set to begin on April 20th. Webinar-based training is also scheduled to start on March 23rd for the entire organization.

LIBRARY:

- The Reading Public Library received the following feedback from a patron:
 - “<Reading Public Library> has an incredible selection of books, especially those pertaining to local history... Their books have provided me with many hours of education and entertainment.”

PUBLIC WORKS:

- Public Works Solid Waste Manager attended the following training:
 - R-Vision Recycling Cart Software (early March)
 - Professional Recyclers Of Pennsylvania (PROP) (mid-March). This training will provide certification upon completion and exam.
- Public Works staff has completed:
 - 33 clean-up projects resulted in 81 bags and 30 bulk items picked up.
 - Penn Street Corridor continues to be cleaned, with trash cans emptied daily. Since last reported, a total of 551 bags of trash were collected.
 - 32 tires and 52 televisions were collected due to illegal dumping in numerous locations throughout the City.
- Public Works Waste Water Treatment Plant (WWTP) is compliant with all NPDES discharge and Air Quality permit requirements. Staff is monitoring the biological process to plan for process control changes to maintain compliance as the temperatures increase in preparation for the more stringent summer permit limits.
- Public Works completed tree-trimming (crown raising, pruning of dead, dying, diseased wood) in the following City neighborhoods:
 - Spruce Street from South 3rd Street to South 7th Street
 - Willow Street from South 5th Street to South 7th Street.
 - West Douglas Street from North Front to Schuylkill Avenue (currently underway)
- Public Works held the Bernhart’s Dam pre-construction meeting on April 5, 2022. The physical construction is anticipated to begin on April 18, 2022. The draw-down permit becomes active on April 15, 2022. The construction is anticipated to last a minimum of 15 days as the draw-down permit limits the lowering of the lake to 1 foot per day. The Spillway is 13 feet tall. Upon completion of demolition, the stream will be allowed to make a natural meandering path to the dam exit. A fence will be installed around the island when conditions permit, and EPA will conduct remediation evaluations for Lead contamination.

- Public Works is required by the State to offer a recycling program to residents due to the size of our municipality. While the State does not supply major financial support, it provides an annual recycling performance grant based on recycled material's total tonnage within specific material categories.

The program's efforts for the 2020 calendar year resulted in a grant award of approximately \$146,283.90. The PA DEP estimates the funds will be disbursed in four to six weeks and may still make adjustments to the final total. The award increased by 25% compared to the 2019 calendar year (\$116,389.00) due to increased residential tonnage, which is a significant factor in determining the grant award. In 2020, the City's recycling program saw a 17% increase in tonnage (4,785 tons in 2019 to 5,632 tons in 2020). This increase can be mainly attributed to the Covid-19 pandemic as residents stayed at home more and purchased goods online, resulting in more recyclable materials from mailings. This award will be allocated as revenue in the recycling budget. Historically this 904 recycling grant award is used as general revenue, compared to the 902 recycling grant, which is specifically limited to capital improvements.

CITY AUDITOR'S REPORT

Monday, April 11, 2022

Admission Fee Tax – Update as of February 28, 2022

The majority of the revenue collected for the Admission Fee/Tax comes from the Reading Royals, the Reading Phils and other events/concerts held at the Santander Arena and the Performing Arts Center. As I mentioned at the March 14, 2022 Council meeting, due to the pandemic, only \$200,000 was budgeted for this revenue line item in 2021. Even though no revenue was recorded during the first quarter of 2021, a total of \$297,567.26 was collected as of year-end.

In 2022, the administration again opted to budget \$200,000 for this revenue line item. And for the first two months of this year, \$102,623.77 has already been collected.

2022 Admission Fee Tax Revenue (see graph below):

Month	Reading Phils	Reading Royals	Santander Arena-Other	Performing Arts Center	Total Collected
January	2,686.19	8,618.11	5,013.05	4,687.02	21,004.37
February	2,797.68	9,277.90	44,010.19	25,533.63	81,619.40
Total	5,483.87	17,896.01	49,023.24	30,220.65	102,623.77

Earned Income Tax / Earned Income Tax Prior Year – Update as of 03/31/2022

As of March 31, 2022, the City's General Fund has recorded \$6,179,219.95 in revenue for EIT and EIT Prior Year. Since most of the EIT Prior Year revenue is received during the first quarter of the year, the majority of the revenue that has been recorded in 2022 is for the EIT Prior Year line item. As of March 31, 2022, the EIT Prior Year revenue has already exceeded its budget target by \$616,312.78.

In 2021, approximately \$5.8 million was collected as of year-end, but for just the first quarter of 2022, about \$6.1 million has already been collected, so approximately \$242,000 more in revenue has already been recorded for EIT Prior Year in 2022 in comparison to YTD 2021.

The City will be exiting Act 47 at the end of 2022, so, for 2023 and future years, there is a high probability that the City will no longer be collecting the non-resident EIT Tax. However, the EIT Prior Year revenue that will be recorded during 2023 will most likely not be impacted. Any significant, negative impact to EIT Prior Year revenue might not appear until 2024 because most of the EIT Prior Year revenue recorded during 2023 will be from 2022, when non-resident EIT Prior Year will still be collected.

Earned Income Tax Revenue - YTD Comparison Between 2022 and 2021 (see graph below):

	2022 Budget	YTD 3/31/22	Variance	2021 Budget	YTD 12/31/21	Variance
Earned Income Tax	15,512,120.00	62,907.17	(15,449,212.83)	15,512,120.00	15,265,023.40	(247,096.60)
EIT Prior	5,500,000.00	6,116,312.78	616,312.78	4,730,000.00	5,874,084.66	1,144,084.66
Total	21,012,120.00	6,179,219.95	(14,832,900.05)	20,242,120.00	21,139,108.06	897,000.00

2021 Municipal Annual Audit & Financial Report – Update

The 2021 Municipal Annual Audit & Financial Report has been completed by our external auditor, Herbein + Company, and on April 1, 2022, it was submitted to the DCED by Michael Oppenheimer, City Controller. This report is showing an unaudited General Fund balance of about \$5 million. Although it's too early to know for certain, part of this GF balance could be attributed to the \$4 million surplus of Real Estate Transfer Tax that the City recorded in 2021.

TO: City Council
FROM: Jamal Abodalo, Community Development Director
MEETING DATE:
AGENDA MEMO DATE:
RECOMMENDED ACTION: To amend the 2022 City Facilities construction fund (43)

RECOMMENDATION:

It is recommended that City Council amends the 2022 City Facilities Construction fund (43) to provide the necessary funding to the 2022 sidewalk replacement program.

BACKGROUND:

The sidewalk replacement program was scheduled to start in 2020, Due to the unforeseen global pandemic of COVID-19, the program came to a halt. The sidewalk replacement program is now ready to commence upon transfer of funds.

BUDGETARY IMPACT:

An increase of \$400,000 to City Facilities Construction Fund (43) sidewalk improvement fund expense.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY:

The Community Development Director

RECOMMENDED MOTION:

Approve/Deny the amendment to increasing the City Facilities Construction Fund (43) sidewalk improvement fund expense by \$400,000.

Drafted by	Law
Sponsored by/Referred by	CD Director
Introduced on	March 28, 2022
Advertised on	N/A

BILL NO. ____-2022
AN ORDINANCE

**AMENDING THE 2022 CITY FACILITIES CONSTRUCTION FUND ORDINANCE
TO REFLECT THE APPROPRIATION OF FUNDS WITHIN THE CITY FACILITIES
CONSTRUCTION FUND BUDGET TO PROVIDE THE NECESSARY FUNDING
FOR THE 2022 SIDEWALK REPLACEMENT PROGRAM.**

The Council of the City of Reading hereby ordains as follows:

Section One: The 2022 Fund 43 City Facilities Construction Fund Budget is hereby amended by amending the budget to provide the funds needed for the sidewalk replacement program. The funds will be paid by a budget amendment in the City's Facilities Construction Fund budget.

Section Two: Sidewalk replacement will be paid from the City's Facilities Construction Fund Budget, line item 431039 45097, Sidewalk Improvement Fund Expense. The budget amendment will result in an increase of \$400,000 to Fund 43 City Facilities Construction Fund line item 431039 39900, Transfer from Fund Balance and an increase of \$400,000 to fund 43 City Facilities Construction Fund line item 431039 45097, Sidewalk Improvement Fund Expense.

Section Five: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _____, 2022

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Drafted by: Law
Sponsored/Referred by: Mayor's Office/Council
Introduced on: March 28, 2022
Advertised on:

**BILL NO. _____-2022
A N O R D I N A N C E**

AUTHORIZING THE MAYOR TO ACCEPT DONATED LAND AT 2049 HESSIAN BOULEVARD, PARCEL ID 16531719602692, SITUATE IN THE CITY READING, BERKS COUNTY, PENNSYLVANIA OWNED BY THE HONORABLE ARTHUR E. AND LOUISE C. GRIM AND TO CONVEY CITY-OWNED AND UNDEVELOPED LAND ON NEW HOLLAND ROAD, PARCEL ID 39530514343530, TO BERKS NATURE.

WHEREAS, 2049 Hessian Boulevard is an approximately .18 acre undeveloped parcel adjacent to Mineral Spring Park, Berks County Parcel ID 16531719602692 (the Grim Property);

WHEREAS, City of Reading is the legal owner of approximately 12.37 acres of undeveloped real property situate on New Holland Road, Berks County, Pennsylvania Berks County Parcel ID 39530514343530 (the "City New Holland Road Property"); and

WHEREAS, Berks Nature is a 501(c)(3) non-profit conservation organization that focuses on conservation of the environment and natural resources in Berks County.

WHEREAS, Berks Nature shall assist in facilitating the transfers and shall help conserve the New Holland Road Property.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to accept the Grim property for nominal consideration and convey the City New Holland Road Property to Berks Nature.

SECTION 2. This Ordinance shall be effective ten (10) days after passage, as per Home Rule Charter Sections 219 & 221.

Enacted _____, 2022

President of Council

Attest:

City Clerk

Drafted by: Law Department
Referred by: Police
Introduced on: March 28, 2022
Advertised on:

**BILL NO. ____ 2022
AN ORDINANCE**

**AMENDING THE CITY OF READING CODE CHAPTER 23, PART 2 AND CHAPTER
396 PARKS, PART 2, TO RESERVE THE DEFUNCT PENN SQUARE COMMISSION
AND ELIMINATE OTHER PERMITTING PROVISIONS WHICH ARE
INCONSISTENT WITH CHAPTER 576 TRAFFIC**

WHEREAS, Chapter 23, Part 2, and Chapter 396, Part 2, Penn Square are no longer utilized and are in conflict with the special events permitting process set forth in 576 which is the process utilized by the City; and

WHEREAS, certain other sections in Chapter 396 refer to permits and require clarification to differentiate permits necessary for the Firemen's Memorial Band Shell from other special events in City parks;

WHEREAS, these amendments are necessary to prevent confusion and eliminate conflicts with the Special Events process set forth in Section 576;

The Council of the City of Reading hereby ordains as follows:

Section One: The City of Reading hereby amends City of Reading Code Chapter 396, Parks as set forth in Attachment "A."

Section Two: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

Section Three: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Four: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ATTACHMENT "A"

Chapter 23

Part 2

Penn Square Commission **[Reserved]**

§ 23-201. Creation and name. **[Reserved]**

§ 23-202. Purpose. **[Reserved]**

§ 23-203. Powers and duties. **[Reserved]**

§ 23-204. Membership. **[Reserved]**

§ 23-205. Term of office. **[Reserved]**

§ 23-206. Compensation. **[Reserved]**

§ 23-207. Conduct of business. **[Reserved]**

§ 23-208. Indemnification. **[Reserved]**

Part 2

Penn Square Commission **[Reserved]**

[Adopted 3-19-1975 by Ord. No. 10-1975 by Ord. No. 10-1975; amended in its entirety 5-29-2001 by Ord. No. 14-2001 (Ch. 1, Part 5F, of the 2001 Code of Ordinances)]

§ 23-201. Creation and name. **[Reserved]**

There is hereby created, pursuant to the provisions of the Third Class City Code, 1 to be known as "The Penn Square Commission of the City of Reading," hereinafter referred to as "Commission."

1. Editor's Note: See 11 Pa.C.S. §§ 10101 et seq.

§ 23-202. Purpose. **[Reserved]**

The purpose of the Penn Square Commission is to organize, promote and give direction to the efforts of both private and public organizations interested in fostering the civic, social, cultural and economic development within the City's new public commons in its downtown area; and to renew, preserve and enhance the economic and aesthetic value of the City's central business district.

§ 23-203. Powers and duties. **[Reserved]**

A. The Penn Square Commission shall administer and supervise the use, operation and maintenance of Penn Square, Market Square and such other public spaces as may be designated by resolution of Council. The powers and duties of the Commission shall include,

without limiting the generality of the foregoing, the establishment of use, operation and maintenance policies; the promotion of activities; solicitation of funds; the procurement and scheduling of all programs and events; the issuance of use permits; the establishment of a schedule of rental rates and charges; and the establishment of rules of conduct and safety. Provided, however, any leases or contracts in excess of one year shall be subject to the approval of Council.

B. The Commission, within the annual budgetary appropriations established by Council, may employ such persons and make such expenditures as may be necessary for the conduct of all business within its jurisdiction. Any such persons employed by the Commission shall be subject to the wages, hours and conditions of employment as established by Council. The Commission shall submit to Council, not later than October 1 of each year, its recommendations for the budgetary appropriations, the personnel complement, and the wage and salary classifications within its jurisdiction for the succeeding year. The Commission shall make an annual report to Council in December of each year on the operations of the Commission.

§ 23-204. Membership. **[Reserved]**

Membership on the Penn Square Commission shall consist of 11 residents and/or business persons engaged in business in Downtown Reading, at least six of whom shall be residents of the City. At least five such members, if available, shall be members of the Reading Market Association (RMA) or equivalent downtown business organization. At least one such member, if available, shall be a representative of the Chamber of Commerce of Reading and Berks County. All members of the Commission shall be appointed by the Mayor with the approval of Council.

§ 23-205. Term of office. **[Reserved]**

The initial appointment of members serving on the Penn Square Commission shall consist of three members appointed for a term of one year, two of whom shall be representatives of the Chamber of Commerce of Reading and Berks County and Downtown Association of Reading Endeavors; two members appointed for a term of two years; and two members appointed for a term of three years. Thereafter, the representatives from the Chamber of Commerce of Reading and Berks County shall be appointed on an annual basis for one year and the remaining 10 members shall be appointed for a term of two years and shall serve until their successors are appointed. Any vacancy occurring other than by expiration of term shall be filled by appointment for the unexpired term in the manner as provided herein for original appointments.

§ 23-206. Compensation. **[Reserved]**

The members of the Penn Square Commission shall serve without compensation.

§ 23-207. Conduct of business. **[Reserved]**

The members of the Penn Square Commission shall elect their own Chairman and Secretary and shall select all other officers necessary to conduct business, to serve for a term not exceeding the term of their appointment. The Commission shall adopt rules and regulations for its internal

organization and procedure and for the conduct of all business within its jurisdiction. The Commission in its discretion may appoint persons to act as advisors to subcommittees appointed by the Commission.

§ 23-208. Indemnification. **[Reserved]**

The City shall indemnify and save harmless any officer, director or member of the Penn Square Commission from and against any claims or liabilities (including reasonable attorney fees) on any judgment, decree, fine or penalties imposed on him for any act or omission committed or incurred while acting as such, and reimburse him for all legal and other expenses reasonably incurred by him in defense thereof, at such terms as provided by governing law; provided that there shall be no obligation to reimburse, partially or wholly, such persons for claims or liabilities determined by a court to have constituted willful misconduct or recklessness.

Chapter 396

PARKS AND RECREATION

Part 1

Firemen's Memorial Band Shell

§ 396-101. Permit application; compliance with laws; fee.

§ 396-102. Permit revocation.

§ 396-103. Fee; exceptions.

§ 396-104. Permit issuance.

§ 396-105. Electrical sound facilities.

§ 396-106. Permit form.

§ 396-107. Applicant to have permit in possession.

§ 396-108. Permit required for event.

§ 396-109. Permit required for use.

§ 396-110. Violations and penalties.

Part 2

Penn Square **[Reserved]**

§ 396-201. Scope. **[Reserved]**

§ 396-202. Definitions. **[Reserved]**

§ 396-203. Shrubbied and flowered areas; sheltering structures. **[Reserved]**

§ 396-204. Climbing. **[Reserved]**

§ 396-205. Animals. **[Reserved]**

§ 396-206. Vehicles. **[Reserved]**

- § 396-207. Fountains. **[Reserved]**
- § 396-208. Alcoholic beverages. **[Reserved]**
- § 396-209. Kiosks. **[Reserved]**
- § 396-210. Activities requiring permits or City sponsorship. **[Reserved]**
- § 396-211. Permit procedure. **[Reserved]**
- § 396-212. Curfew. **[Reserved]**
- § 396-213. Interference with permitted activity. **[Reserved]**
- § 396-214. Loitering. **[Reserved]**
- § 396-215. Public participation. **[Reserved]**
- § 396-216. Violations and penalties. **[Reserved]**

Part 3

Park Use

- § 396-301. Short title.
- § 396-302. Purpose.
- § 396-303. Definitions.
- § 396-304. Time of use.
- § 396-305. Rules of conduct.
- § 396-306. Use of bodies of water for fishing, boating, swimming, wading, floating or ice skating.
- § 396-307. Use of roller skates, roller blades, skateboards.
- § 396-308. Geo-caching.
- § 396-309. Bicycles.
- § 396-310. Permits.
- § 396-311. Severability.
- § 396-312. Enforcement.
- § 396-313. Penalty.

Part 4

Public Private Partnerships

- § 396-401. Purpose.
- § 396-402. Definitions.
- § 396-403. Authorization.
- § 396-404. Public private partnership agreement.
- § 396-405. Qualifications of organizations.
- § 396-406. Notice to Council.

Part 5

Memorial Structures on Public Property

§ 396-501. Evaluation of proposed monuments, statuary, markers and plaques.

§ 396-502. Maintenance of existing memorial structures.

§ 396-503. Moratorium.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories.
Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 141.

Part 1

Firemen's Memorial Band Shell

[Adopted 6-15-1949 by Ord. No. 27-1949 (Ch. 16, Part 3, of the 2001 Code of Ordinances)]

§ 396-101. Permit application; compliance with laws; fee.

[Amended 6-13-1950 by Ord. No. 21-1950]

All persons or organizations seeking or desiring the use of the Firemen's Memorial Band Shell in the City Park shall make application in writing to the Director of the Department of Public Works, such application to be in the following form:

A.

Name of applicant

B.

Location or P.O. Address

C.

Type of Organization — religious, recreational, musical, etc.

D.

Date and time of requested use of Band Shell — day of the month and hours of the day

E.

Approximate number of participant in exercise — or number of members of band, etc.

F.

Estimated attendance

G. The undersigned applicant for use of the Band Shell and the electrical sound facilities of the City therein, makes this application by its duly authorized agent and covenants, warrants and agrees that in the conducting of any religious services or exercises or any functions held by the applicant, if permit is granted to it, that it shall faithfully obey and observe the laws of the Commonwealth of Pennsylvania, that it shall not engage in conduct tending to a breach of the peace, that its proceedings shall be free from slander as the same is defined under the laws and decisions of the Commonwealth of Pennsylvania; and further, that it and its servants, agents and employees shall faithfully observe the laws of the United States of America.

H. The undersigned applicant makes request for a permit for the purpose, or purposes, hereinbefore stated and for the date and time hereinbefore set forth and tenders the permit fee to the Director of the Department of Public Works and requests the issuance of a permit for the use of the Band Shell in accordance with the representations set forth in this application.

[Amended 8-26-2013 by Ord. No. 35-2013]

(Seal) Applicant

Authorized agent signing on behalf of organization

§ 396-102. Permit revocation.

The Director of the Department of Public Works is authorized and directed to revoke the permit issued to the applicant upon any violation of the conditions set forth and contained in the application.

§ 396-103. Fee; exceptions. 1

The fee set forth in Chapter 212, Fees, shall be paid for the use of the Firemen's Memorial Band Shell for its use between the hours of 6:00 a.m. and 11:00 p.m., for each day, or any part of a day; provided, however, that graduation exercises for any grammar school or high school, or any band concert, shall be exempt from the payment of such fee.

1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 396-104. Permit issuance.

The Director of the Department of Public Works, upon receipt of an application in the form hereinbefore prescribed in § 396-101, shall issue a permit to the applicant for the date so requested. However, if more than one application is made for the same date, the Director shall issue a permit to the applicant whose application is first received by him.

§ 396-105. Electrical sound facilities.

The Director of the Department of Public Works, upon issuance of a permit for the use of the Firemen's Memorial Band Shell shall make available the electrical sound facilities, situate therein, for the use of the holder of the permit during the hours specified on the application and permit.

§ 396-106. Permit form.

The permit to be issued by the Director of the Department of Public Works shall be in the following form:

PERMIT FOR USE OF THE FIREMEN'S MEMORIAL BAND SHELL, CITY PARK, READING,
PENNSYLVANIA

Permission is hereby granted to in accordance with application, in writing, received and approved by the undersigned, for the use of the Firemen's Memorial Band Shell, City Park, Reading, Pennsylvania, and the use of the sound facilities, owned by the City of Reading, situate therein, for the _____ day of A.D. _____, between the hours of _____ m. and _____ m.

CITY OF READING

By _____

Director of the Department of Public Works

§ 396-107. Applicant to have permit in possession.

The permit issued, under and in accordance with this Part, shall be in the possession of the applicant or an accredited representative thereof, in attendance at the function or exercise, and be exhibited upon request to any police officer or any park guard employed by the City during the hours specified and the date set forth on the permit.

§ 396-108. Permit required for event.

No person, or persons, firm, association or corporation shall hold, carry on or participate in any exhibit, meeting, ceremony, service, religious or otherwise, in or about the Firemen's Memorial Band Shell, without having first obtained the permit required under the terms of this Part.

§ 396-109. Permit required for use.

No use of the Firemen's Memorial Band Shell or any portion thereof, shall be permitted to any person, or persons, firm, association or corporation, without the obtaining of the permit required by this Part.

§ 396-110. Violations and penalties.

[Amended 5-29-2001 by Ord. No. 14-2001 2]

Any person, firm or corporation who shall violate any provision of this Part, shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and cost, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 2

Penn Square **[Reserved]**

{Adopted 7-12-1999 by Ord. No. 14-1999 (Ch. 16, Part 2, of the 2001 Code of Ordinances)}

§ 396-201. Scope. **[Reserved]**

This Part shall apply to the following areas in the City:

A. The area of downtown Reading, bounded by the midpoint of Franklin Street on the south, the midpoint of North and South Seventh Street on the east, the midpoint of Walnut Street on the north and the midpoint of North and South Fourth Street on the west.

B. The area bordering the south side of Penn Street between Eighth Street and Ninth Street, also known as Market Square.

C. The area of Cedar Street between Washington Street and Court Street, also known as Cedar Street Park.

D. Such other area or areas as Council may designate as areas subject to the supervision and control of the Penn Square Commission.

E. These areas are hereby ordained and for all intents and purposes shall be considered to be part of the City park system and, except as specifically provided to the contrary herein, shall be subject to the ordinances relating to the Department of Public Works of the City as provided in Part 3, Park Use, of this chapter, and to the rules and regulations promulgated in accordance therewith.

§ 396-202. Definitions. **[Reserved]**

As used in this Part, certain terms are defined as follows:

COMMISSION — The Penn Square Commission.

PERMIT — A permit applied for and granted in accordance with § 396-211.

SECRETARY — The individual appointed by the Commission to receive permit applications and other correspondence of the Commission.

SQUARE — Includes any and all of the designated areas specified in § 396-201.

§ 396-203. Shrubbed and flowered areas; sheltering structures. **[Reserved]**

No person shall enter into a shrubbed or flowered area, or onto a sheltering structure in the square unless, by authority of the City, he does so for the purposes of cleaning, maintenance or law enforcement.

§ 396-204. Climbing. **[Reserved]**

Except as authorized by the Commission, no person shall climb:

A. Any tree in the square.

B. Any temporary or permanent structure in the square other than a stairway.

§ 396-205. Animals. **[Reserved]**

Except with reference to blind persons and their dog guides, or when and as otherwise authorized by the Commission, no person owning or having in his custody any animal or fowl shall take, lead, propel or allow such animal or fowl to be on the Square unless such animal or fowl is caged.

§ 396-206. Vehicles. **[Reserved]**

A. No person owning or having in his custody any motor vehicle shall operate, park or stand such motor vehicle in the Square except in the manner and at those places designated therefor.

B. No person owning or having in his custody any type of bicycle shall ride the same in the Square except in those places designated therefor, or operate the same in the Square other than by walking.

§ 396-207. Fountains. **[Reserved]**

A. No person shall deposit or leave any object or substance whatsoever in the water in any fountain in the Square.

B. No person shall use the water in any such fountain for any purpose other than observing, or enter into any such fountain for any purpose.

§ 396-208. Alcoholic beverages. **[Reserved]**

No person shall consume or drink any malt or brewed beverages or vinous or spirituous liquors in the Square, except in those areas designated therefor, and operated by establishments displaying a Commonwealth of Pennsylvania Liquor Control Board license.

§ 396-209. Kiosks. **[Reserved]**

The purpose of the kiosks located in the Square is to provide a means by which individuals and groups may notify the public of their views and sponsorship of various activities and events. In order to ensure the legitimate and efficient use of the kiosks, the following controls shall apply:

A. Any person or group wishing to post any notice, bill, sign or advertising material of any kind shall first submit such material to the Secretary; provided, however, that this shall not apply to notices placed by employees of the City engaged in the performances of their duties.

B. The Commission shall review such material to determine its appropriateness for posting, in accordance with criteria established by the rules and regulations of the Commission and consistent with applicable federal and state constitutional standards.

C. The Commission, upon approving such material, shall stamp it indicating the material is approved for posting and the removal date thereof, such date to be determined in each case by the nature of the specific material.

D. It shall be permitted for any person to remove from the kiosks material which is not so stamped or the removal date of which has expired.

E. It is the purpose of this section to assure that, should material of an offensive nature be posted on any kiosk contrary to the intent of this article, it shall not bear the Commission's stamp of approval, and may be removed by the person or group so offended. It is not the purpose of this section to provide for the censorship of material or for penalties for posting one's views.

§ 396-210. Activities requiring permits or City sponsorship. **[Reserved]**

Except as authorized under the applicable permit procedures described herein, or under the sponsorship of the City, no person or group shall engage in any of the following activities in the Square:

- A. Fund-raising.
- B. Solicitation.
- C. The sale, offer for sale or display of any merchandise, article, or thing, or of any services.
- D. Placing a display or allowing a display in one's charge or custody to remain.
- E. Conduct or participation in the conduct of a dance.
- F. Conduct or presentation, or participation in the conduct or presentation of any musical, theatrical, cinematic, choreographic, athletic or other entertainment.
- G. Conduct or participation in the conduct of a meeting.

H. Electrical or mechanical amplification of sound.

§ 396-211. Permit procedure. [Reserved]

[Amended 5-29-2001 by Ord. No. 14-2001]

A permit for an activity authorized for the Square only upon the issuance of such a permit may be obtained as follows:

A. Application. Application for the permit may be filed with the Secretary or his designee on a form supplied by him and available in the office of the Director of Public Works, City Hall.

B. Application filing deadline. The application may not be filed earlier than 125 days nor less than 65 days before the date set for the activity, unless the Commission finds that earlier or later filing of the application is necessary in the interests of the applicant and the City. If the filing is later than 65 days before the date set for the activity, the applicant shall have no right of appeal.

C. Posting application copy. A copy of the application shall be posted promptly in a conspicuous place in the Square and shall remain posted until the permit applied for has been granted or denied.

D. Granting permit. Within 31 days after the filing of the application, the Commission shall determine whether the permit shall be granted. In granting it, the Commission may condition it by requiring a deposit, as authorized by Subsection I hereof, or by requirements and restrictions conducive to the achievement of the purposes and objectives set forth at the beginning of this Part and in Subsection G hereof.

E. Appeals. A party aggrieved by the issuance or denial of a permit under Subsection D hereof may, within 10 days after such action, appeal the decision of the Commission to Council. Notice of the appeal shall be filed with the Secretary and the Director of the Department of Public Works and the permit, if issued, shall be suspended until the appeal is decided. Following the ten-day appeal notification period, Council shall have 15 days to:

(1) Conduct a hearing on the appeal, 72 hours advance notice of which shall be given the appellant, the permittee and the Commission.

(2) Within one week of the action required by Subsection E(1) hereof, make a determination, which shall be considered final, whether a permit shall be granted, and, if so, whether it shall be conditioned in accordance with Subsection D hereof.

F. After a permit is granted in accordance with Subsection D or E hereof, a copy of the permit shall be posted promptly in a conspicuous place in the Square and shall remain so posted until after the time for the activity has expired.

G. Conditions to be considered. In making the determination whether to grant a permit under this section and to subject the permit to conditions, the Commission shall consider, without being limited to, the following:

(1) Maintaining the free flow of pedestrian traffic into, in and from the Square, and into and from private premises in the vicinity of the Square.

(2) Minimizing danger to public health, peace and safety and to public and private property.

(3) Preserving and enhancing the aesthetic qualities of the Square.

(4) Preventing noise and other conditions that would interfere with legitimate pursuit in the Square or on adjacent premises.

(5) Contributing to a variety of nonrepetitive activities in the Square and to diverse sponsorship of such activities.

(6) Avoiding extra and undue administrative functions and expense to the City.

H. Past performances. The person or persons who under Subsection D or E hereof determine whether a permit should be granted shall also consider the past performance of the applicant in carrying on activities under a permit or license issued by the City or the state. Failure of the applicant to carry on permitted or licensed activities in accordance with such past permit or license, or to conform to the laws of the City or the state shall constitute sufficient cause for denial of the permit for which application has been made under this section.

I. If the Commission or in the case of an appeal, Council finds that the activity for which the permit is sought is likely to cause extra expense to the City, the Commission may condition the permit on advance deposit with the Finance Department of a sum from which may be drawn whatever amount the Commission subsequently finds necessary to reimburse the City for any extra expenses arising from the activity. Any such requirement of deposit shall be accompanied by a written explanation of the amount specified for the deposit. Within 10 days after the permitted activity has ceased, the Finance Department shall return to the permittee whatever amount of the deposit the Commission certifies is not needed to defray the extra expenses.

J. Compliance or revocation. An activity in the Square authorized by a permit granted in accordance with this section may be carried on only in accordance with whatever conditions are specified for the permit. Failure to comply with such conditions shall constitute sufficient cause for summary revocation of the permit. Failure to comply with such conditions shall constitute sufficient cause for summary revocation of the permit by any officer of the City.

K. Permit required to be present. Any activity in the Square authorized by a permit granted in accordance with this section may be carried on only while the permittee or his agent has the permit in the Square. The possessor of the permit shall display it upon the request of any officer of the City. Failure to so display the permit shall be cause for the activity immediately to cease until the permit is so displayed. Any persistence of the activity during such time shall constitute a violation of this Part and sufficient cause for summary revocation of the permit by the requesting officer.

L. Constitutional rights. Application for a permit to carry on in the Square any activity deferred to in § 396-210 that embodies a constitutionally guaranteed right shall be granted if at the time set for exercise of the right there is a suitable place available in the Square for exercising the right. Exercise of the right may take place only in the area of the Square designated therefor in the permit, and only in accordance with whatever reasonable conditions are specified for issuance of the permit, pursuant to the objectives set forth at the beginning of this Part and in Subsection G hereof.

M. The permit shall specify the time limits for the permitted activity. Such activity shall not be carried on between the hours of 12:00 midnight and 5:00 a.m., prevailing time.

§ 396-212. Curfew. [Reserved]

No person shall be present in the Square between the hours of 2:00 a.m. and 5:00 a.m., prevailing time, unless such person is on official business, is attending or returning from a permitted activity on the Square, or is so present with the prior approval of the Manager; provided that, this prohibition shall not apply to municipal personnel engaged in the performance of their duties. This shall not be construed as to prohibit vehicular or pedestrian through traffic.

§ 396-213. Interference with permitted activity. [Reserved]

No person shall interfere with or disrupt any activity carried on in the Square in accordance with a permit issued under § 396-211.

§ 396-214. Loitering. [Reserved]

No person shall unnecessarily and willfully obstruct or interfere with travel through the Square, nor shall any person loaf, loiter or lounge in any area on the Square; provided that this section shall not be held to restrict peaceful picketing so long as an adequate passageway is kept clear for the use of other pedestrians. "Loaf, loiter or lounge" as used in this section includes, without being restricted to, sleeping on benches and monopolizing any area of the Square, other than for a permit authorized activity, to the unreasonable exclusion of use of the same area by other pedestrians.

§ 396-215. Public participation. [Reserved]

The Mayor shall designate an advisory board of no less than five nor more than 10 members each of whom shall be a taxpayer in or be a citizen in the City of Reading defined in § 396-201. The advisory board and its members shall serve at the pleasure of the Mayor with the approval of City Council and provide recommendations on issues pertaining to this Part.

§ 396-216. Violations and penalties. [Reserved]

[Amended 5-29-2001 by Ord. No. 14-2001 3]

Whoever violates or fails to comply with the provisions of this Part, or any rules or regulations made pursuant thereto, shall be, upon conviction thereof, sentenced to a fine not to exceed \$300 for the first offense and \$50 for each offense thereafter plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days for each offense thereafter.

3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 3

Park Use

[Adopted 5-12-2003 By Ord. No. 14-2003(Ch. 16, Part 1, Of The 2001 Code Of Ordinances); Amended in full 8-14-2017 by Ord. No. 77-2017, 8-27-2018 by Ord. No. 52-2018, and 5-13-2019 by Ord. No. 14-2019]

§ 396-301. Short title.

This Part shall be known and may be cited as the "Reading Park Code."

§ 396-302. Purpose.

The purpose of this Part is to create an atmosphere conducive to the enjoyment of, and to protect the substantial public investment in, the City's parks.

§ 396-303. Definitions.

A. Intent. For the purpose of this Part, all words used in the present tense include the future tense. All words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and not directory.

B. As used in this Part, certain words are defined as follows:

CITY — The City of Reading, including but not limited to the Public Works Director or their designee and the Police Chief or their designee.

DIRECTOR OF PUBLIC WORKS — The official appointed and confirmed and/or his designee so designated, or his authorized representatives.

NATURAL AREA — A geographical area (as in a city) having a physical and cultural individuality developed through natural growth rather than design or planning.

PARK - Any area zoned as preservation, park, preserve, playground, recreation center, swimming pool, watershed including the Mt. Penn Preserve area or other place devoted to active or passive recreational use owned by the City of Reading. During times of park closure, Skyline Dr. will remain open to vehicular traffic but said traffic must continue through the Preserve and not stop, stand or park within it.

PEDALCYCLE - Any wheeled vehicle propelled manually by pedaling without the use of a motor (unicycle, bicycle, tricycle, etc.)

PERMIT - The written authorization, issued by the City of Reading, to conduct activities governed by this Part **or Chapter 576**.

PERSON - Any individual, firm, partnership, corporation or association, or any agent, assistant, employee or representative thereof.

SOLICITING - Persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Persons seeking any form contributions.

VEHICLE - Any conveyance (except baby carriages and motorized wheel chairs) including motor vehicles, buses, trailers of all types, campers, motorized bicycles, snowmobiles, all-terrain vehicles (ATVs), pushcarts or vehicles propelled by other than muscular power.

VENDING - Selling or trading any item or service.

§ 396-304. Time of use.

A. Parks are open 7:00 a.m. until 7:00 p.m. prevailing time from October 1 through April 30 and 7:00 a.m. until 9:00 p.m. prevailing time from May 1 through September 30, except with a permit.

B. This shall not apply to City personnel engaged in the performance of their duties or to those having a permit or authorization from the Public Works Director, or his designee, Police Department, Pagoda Foundation or the Reading Recreation Commission to conduct activities during closed hours.

§ 396-305. Rules of conduct.

[Amended 12-27-2021 by Ord. 97-2021]

No person shall do any of the acts hereinafter described within the limits of any City parks, playgrounds, preserves and public spaces:

A. General uses and activities. Prohibitions.

(1) Disfigure, disturb, injure, tamper with, move or remove any flower, fruit, plant, tree, shrub, bench, apparatus, public sign, notice, bridge, table, fireplace, railing, paving or paving materials, monument, sculpture, stake, post, or other boundary marker, or other property whatsoever.

(2) Move or remove any wood, turf, grass, soil, rock, sand or gravel in any way to injure the natural beauty of the area.

(3) Climb, stand, roller skate, roller blade, skateboard or sit upon monuments, sculptures, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(4) Hunt for, shoot at, chase, catch or kill, or attempt to shoot at, chase, catch or kill, with or without dogs, any bird or animal except at Lake Ontelaunee where the Commonwealth of Pennsylvania Game Commission has been authorized to control game propagation and hunting, except that no hunting shall be allowed within 1,000 feet of any picnic area; nor shall one remove or have in one's possession the young of any wild animal, the eggs or nest, or young wild creature.

(5) Release any waterfowl, bird, animal, or fish in any City park, playground, preserve or public space.

(6) Throw stones or projectiles to injure any public property or to injure the natural beauty of the park.

(7) Dump or discard any refuse including yard waste, other waste materials or litter of any kind, junk, dead animal or offensive matter of any kind except in the containers provided by the City for the deposit of such items. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park, preserve or playground by the person responsible for its presence, and properly disposed of elsewhere.

(8) Post or erect any bills, notices or advertising matter of any kind without a permit.

(9) Sell or offer for sale any merchandise, food, article or thing whatsoever, without a permit.

(10) Violate any posted rules for, or to misuse, any park, preserve, picnic area, court, playfield, swimming pool or other recreational area, and public spaces.

(11) Engage in camping, archery, golfing, or horseback riding. Camping includes overnight stays in a tent or recreational vehicle. Horseback riding is allowed in parts of the Mt. Penn Preserve area.

(12) Have any ceremony or any musical, theatrical or other entertainment event without a permit.

(13) Engage in any unlawful gaming or have possession of any instrument or device for gambling without a permit.

(14) Bring food trucks or carts or ice cream trucks or carts into a park without valid Health and Business licenses and a permit.

(15) Consume, drink or have possession or custody of any alcoholic beverages including malt or brewed beverages or vinous or spirituous liquors except where a valid Commonwealth of Pennsylvania Liquor Control Board license is displayed.

(16) Solicit contributions for any purpose, whether public or private, except with a permit.

(17) Play, engage, or take part in any game or competitive sport for money or other valuable thing.

(18) Engage in any disorderly conduct or behavior tending to breach the public peace.

(19) Discharge firearms, paintball guns, air or spring rifles or slings.

(20) Set off any fireworks without a permit. Permits for the use of fireworks must be obtained from the Fire Marshal or his designee. Permits will ensure that fireworks are properly conducted and supervised in designated areas.

(21) Operate a licensed or unlicensed motor vehicle of any type, including motor bikes, mopeds, motorcycles, ATVs and snowmobiles.

(22) Stand or park any vehicle, except at designated locations.

B. Control of pets. Pets must be on a leash which is no longer than six (6) feet and must be under the control of the owner or temporary custodian thereof. All City health codes including Reading Code of Ordinances Chapter 141 Animals and Chapter 288 Health & Safety, Part 1 Health Code, Section 288-111 Animal Maintenance governing animal maintenance shall apply including cleaning up and removing all waste.

C. Use of fire.

(1) Fires are permitted only in a City owned non-portable fireplace or picnic stove or in a privately owned stove or similar device designed specifically for the cooking of food. Fire is prohibited in the Lake Ontelaunee watershed area.

(2) All smoking materials must be disposed of properly.

(3) Bonfires or any form of open burning are prohibited without a Special Events Permit.

(4) All fires shall be continuously under the care and direction of the user beginning with the time it is kindled until it is extinguished. Embers must be disposed of properly.

§ 396-306. Use of bodies of water for fishing, boating, swimming, wading, floating or ice skating.

A. Ice fishing is prohibited at Lake Ontelaunee.

B. Only persons having attained 16 years of age may fish at Bernhart's Reservoir.

C. Fishing in or upon the entire premises known as Egelman's Park is prohibited.

D. Using a boat upon any body of water owned or controlled by the City is prohibited.

E. Boats may not be launched onto the Schuylkill River or Tulpehocken Creek from the banks of the City-owned or controlled riverfront unless such boat or craft can be hand-carried over City-owned or controlled property.

F. Swimming, bathing, wading or floating at any place except in a public swimming or wading pool is prohibited.

G. Ice skating is prohibited.

§ 396-307. Use of Roller Skates, Roller Blades, Skateboards.

Roller skates, roller blades, and skateboards shall stay on pathways and must yield to pedestrians on pathways. Also see Chapter 396 Parks and Recreation, Part 5 Memorial Structures on Public Property, Section 396-502 Maintenance of existing memorial structures, Letter D Vandalism.

§ 396-308. Geo-Caching.

A. Geo-caching is allowed on public property.

B. The following guidelines apply to all geocaches placed within City of Reading parks and recreation facilities:

(1) All geocaches must be registered at www.geocaching.com.

(2) There should be no earth disturbance or vegetative impact to any site, nor should the cache be readily discernable by the general public.

(3) All cache seekers and cache owners must abide by park hours and all other park rules and regulations. Cache owners should also review and follow the listing requirements and guidelines at: <http://www.geocaching.com/about/guidelines.aspx>.

(4) The City of Reading and the Reading Recreation Commission, its officers, board of directors, managing agents and their personnel or representatives do not assume responsibility or liability for injury to any person or damage to any property sustained as a result of the placement or existence of the geocache, or use of the geocache by any person with any device or for any purpose. Participants in geocaching also absolve the City of Reading, its officials, and its employees of any liability.

(5) Cache(s) shall not be placed in PVC pipe, ammo cans, or have any military markings. Cache owners should use their discretion to determine what would be a permissible container to house the cache contents.

(6) The cache may not be placed within natural areas, wild plant sanctuaries, stream banks, riparian zones, wetlands, historical sites, exemplary nature communities, ecologically sensitive areas, unique geological features, dam structures, or unsafe areas.

(7) A cache may remain at the approved site for no more than three (3) years, at which time it must be removed, and the site restored to its original condition.

(8) Distracting, nuisance or otherwise inappropriate geocaches on public or City-owned property will be removed and treated as abandoned property.

(9) The placement of "Premium Member Only" geocaches will not be permitted in any City park, recreation facilities, or publicly owned properties. These caches require a monthly fee to

access their coordinates and therefore make it impossible for the Commission and the City to monitor their locations. All caches on public lands shall be available to the public without a fee.

(10) Cache owner shall delete site location(s) from all publications and/or website(s) within seven (7) days of removal from their geocache sites.

(11) Geocaching is a privilege that may be revoked if policy and guidelines are not met. The City of Reading and the Recreation Commission reserve the right, at their discretion, to remove a geocache when it deems the geocache conflicts with park development, infrastructure repairs, maintenance, natural ecosystems, historical resources, or any other reason.

(12) It is mutually agreed that the geocache and its contents have no monetary value, and will not contain hazardous, illegal or pornographic materials of any kind.

(13) Additional regulations may be set by the City and the Recreation Commission and approved by City Council by ordinance.

C. All rules and regulations as stipulated above and provided by the City and the Reading Recreation Commission must be followed.

§ 396-309. Bicycles.

All bicycles shall be operated in compliance with all provisions relating to pedalcycles as specified in the Pennsylvania Vehicle Code.

§ 396-310. Permits.

A. All permits issued by the City under this part, as defined herein, Recreation Commission, and/or Pagoda Foundation shall be subject to park rules and regulations and a person to whom such permits may be granted shall be bound by such rules and regulations as fully as though the same were inserted in such permits.

B. Any person to whom such permits may be granted shall be liable for any loss, damage or injury sustained by reason of negligence of such person.

C. As a condition of issuing a permit, the City, as defined herein, Recreation Commission, and/or Pagoda Foundation may require a permit applicant to secure liability insurance, to post bond or to make any other guarantees the City considers reasonable.

D. No person shall conduct any activities for which a permit is required without first securing a valid permit to conduct such activities.

E. Permits must be produced and exhibited upon request of any authorized person who shall desire to inspect the permit for the purpose of enforcing compliance with exceptions for permitted special events.

F. No person shall make any alteration to a permit.

§ 396-311. Severability.

If any provision, paragraph, word, section, or subsection of this ordinance is invalidated by a court of competent jurisdiction, remaining provisions shall not be affected and shall remain in full force and effect.

§ 396-312. Enforcement.

The Park Code of the City of Reading shall be enforced by City of Reading Police Department. The provisions of the Park Code may be enforced by the Central Berks Police Department and the State Police in all areas owned by the City of Reading including the Mount Penn Preserve.

§ 396-313. Penalty.

Whoever violates or fails to comply with the provisions of this Part, or any regulations made thereunder shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

Part 4

Public Private Partnerships

[Adopted 5-14-2012 by Ord. No. 48-2012]

§ 396-401. Purpose.

The purpose of this Part is to authorize the City to enter into public private partnerships with private organizations for the maintenance of City parks. Nothing in this Part shall be construed as prohibiting the City from entering into such partnerships for the maintenance of other City facilities or for any other purpose authorized by Pennsylvania Statute, City Charter, or other law.

§ 396-402. Definitions.

For the purposes of this Part:

ORGANIZATION — An association, corporation or other entity having a formal structure.

PARK — Includes athletic fields, tennis courts, swimming pools, playgrounds or other park area, facility or group of such facilities under the control, maintenance and management of the City of Reading.

PUBLIC PRIVATE PARTNERSHIP AGREEMENT or AGREEMENT — Includes any contractual agreement or concession, or both, for the maintenance of a City park.

PUBLIC WORKS DIRECTOR — The Director of the City of Reading Public Works Department.

§ 396-403. Authorization.

A. The City Public Works Department may enter into a public private partnership agreement with an organization to maintain a City park or designated portion thereof.

B. Any organization selected to maintain a City park shall be selected pursuant to the procedures and requirements as outlined and contained in this Part.

§ 396-404. Public private partnership agreement.

A. An agreement shall be in the form as established by the City and shall contain:

- (1) The name of the organization.
- (2) The address of the organization.
- (3) The name of the contact person within the organization.
- (4) The address of the contact person.
- (5) The phone number of the contact person.
- (6) The name of the park/playground/facility.
- (7) The maintenance to be performed.
- (8) The maintenance schedule.

B. A public private partnership agreement entered into between the City and an organization pursuant to this Part shall expressly provide that:

(1) The supervision and control over the maintenance of the park rests with the City and any structural or landscaping modifications to the park and any structure therein is prohibited without the prior consent of the City;

(2) The City shall have the right to terminate the agreement at the City's sole discretion if the organization is not satisfactorily performing its maintenance responsibilities or complying with any provision of the agreement;

(3) The park shall remain open and be accessible to all members of the public during park hours;

(4) No fees may be charged for the use of the park or any facility therein other than the fees established by ordinance;

(5) The agreement does not constitute a lease; and

(6) The agreement shall conform and be subject to all applicable ordinances and policies of the City, the rule-making authority of the City's departments and any trust requirements, restrictions or conditions.

§ 396-405. Qualifications of organizations.

A. The City shall specify the minimum qualifications of an organization and its officers and employees, including previous experience in maintaining a park or comparable facility, the organization's financial stability including funds available to the organization, a business plan indicating how it will fund the maintenance of the facility, and any other factors that indicate its ability to adequately maintain the park.

B. The purpose of the organization shall be consistent with the maintenance of the park for public benefit.

§ 396-406. Notice to Council.

Prior to executing an agreement for a public private partnership pursuant to this Part, City Council shall approve said agreement via ordinance/resolution which shall include a copy of the agreement.

Part 5

Memorial Structures on Public Property

[Adopted 11-12-2013 by Ord. No. 55-20113; amended in its entirety 1-23-2017 by Ord. No. 7-2017 and 1-28-2019 by Ord. No. 1-2019]

§ 396-501. Evaluation of proposed monuments, statuary, markers and plaques.

A. Any organization or entity wishing to place upon public property any artwork, artwork installation, monument, statue, marker or plaque (the memorial structure) for the purpose of memorializing an individual, group, or event, shall submit such proposal to the Director of Public Works. The Public Works Director shall review the proposal with the mayor.

B. A Memorial Review Committee (the MRC) shall have the responsibility of reviewing each such proposal. The Committee shall be composed of the Historic Preservation Specialist, a City Planner, the Public Works Operations Division Manager, the City Clerk and the Director of the Berks County Office of Veterans Affairs. The Director of Public Works shall appoint a MRC Chairperson from the membership and provide the MRC with the mayor's input about the proposal.

C. The MRC shall provide a written evaluation of each proposal based on the following factors: the suitability of the proposed location of the memorial structure; the appropriateness of the design thereof; the appropriateness and anticipated longevity of the proposed material comprising the memorial; the proposers' plan and ability for long-term maintenance and upkeep of the memorial; and provisions for insuring the memorial against damage, vandalism and disrepair. In addition, if the proposed location of a memorial structure has been subject to a master- or comprehensive-planning initiative, the proposed memorial should be in comport with any such valid plan. The MRC shall provide this written evaluation to City Council with a recommendation.

D. At its discretion, the MRC may request the approval for or advice of a proposed memorial structure from the Planning Commission.

E. Any proposed memorial structure located within or immediately adjacent to a designated historic or conservation district shall be subject to the advance approval of the Historic Architectural Review Board.

F. Approval of the placement or relocation of any memorial structure shall require the approval of City Council.

§ 396-502. Maintenance of existing memorial structures.

A. It shall be the policy of the City of Reading that the maintenance and upkeep of any memorial structure shall be the responsibility of the entity placing such approved structure on public property. A plan for the perpetual care thereof shall be specified in a memorandum of understanding to which the Director of Public Works shall be a party.

B. In the event a memorial structure falls into disrepair and is not promptly repaired, at the sole discretion of the Director of Public Works, the City may remove such structure and dispose of it.

C. The MRC shall have purview over existing memorial structures and may promulgate policies and programs that encourage their perpetual care, upkeep and repair with little or no public expense.

D. Vandalism to any memorial structure or the grounds that the structure sits on shall be enforced by the PA Crimes Code 18 Pa. C.S. §3304 Criminal Mischief, §3307 Institutional Vandalism and §5509 Desecration, Theft or Sale of Venerated Objects.

E. The following shall be prohibited:

(1) The use of any scooter, skateboard, rollerskates, pedalcycle, or any other human powered or motor powered vehicle or conveyance on any memorial structure or on the grounds where any memorial structure sits located on public property, or using any object or substance that could cause damage to any memorial structure or the grounds where the structure sits located on public property. An offense under this section is a summary offense punishable by a fine not to exceed \$500.

§ 396-503. Moratorium.

The Council of the City of Reading places a moratorium on the placement of any additional memorial structure on public lands, unless the structure is reviewed and recommended by the MRC and approved by City Council resolution.

Drafted by: Law Department
Referred by: Police
Introduced on: April 11, 2022
Advertised on: April 18, 2022

**BILL NO. ____ 2022
AN ORDINANCE**

**AMENDING THE CITY OF READING CODE CHAPTER 576, PART 12- PARADES,
SPECIAL EVENTS, AND PUBLIC GATHERINGS AND THE CORRESPONDING
SECTION OF THE CITY'S FEE SCHEDULE, CHAPTER 212 SECTION 144 § 212-144.
VEHICLES AND TRAFFIC**

WHEREAS, Chapter 576, Part 12, Special Events requires amendments to provide for clarity in the application process for special events to distinguish among the various types of events that must follow the process; and

WHEREAS, the section of the City's fee schedule

WHEREAS, these amendments are necessary to prevent confusion and eliminate conflicts;

The Council of the City of Reading hereby ordains as follows:

Section One: The City of Reading hereby amends City of Reading Code Chapter 576, Part 12, Parades, Special Events, and Public Gatherings, and the corresponding section of the City's fee schedule, Chapter 212, as set forth in Attachment "A."

Section Two: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

Section Three: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Four: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Part 12

Parades, Special Events, and Public Gatherings

A Parades, Special Events, and Public Gatherings

§ 576-1201. Short title.

[Amended 5-10-2010 by Ord. No. 16-2010]

This Part shall be known and cited as the "Parade and Special Events Ordinance" of the City of Reading, Pennsylvania.

§ 576-1202. Definitions.

[Amended 5-10-2010 by Ord. No. 16-2010; 8-23-2010 by Ord. No. 60-2010]

As used in this Part, the following terms shall have the meanings indicated:

APPLICANT — A person who has filed a written application for a special event or community event site reservation permit and who assumes responsibility for all duties and responsibilities, including payment, under this Part. [Amended 6-27-2011 by Ord. No. 30-2011]

BLOCK PARTY — A large public party in which many members of a single neighborhood congregate, either to observe an event of some importance or simply for mutual enjoyment.

A. Neighborhood groups requesting block parties may request the use of City barricades for a fee. Block party applications must be filed 30 days prior to the planned event.

CHIEF OF POLICE — The Chief of Police of the City of Reading, Pennsylvania, or his designee.

CITY — The City of Reading, Pennsylvania.

COMMUNITY ~~EVENT~~ SITE RESERVATION — A temporary event, gathering, or organized activity on any City street, public property or in any City building or other facility, when use of a site is desired by a community or group of citizens but no disruption of other citizen's passage occurs and no use of City services is needed. A Community ~~Event~~ Site Reservation does not apply to the use of City pavilions, field houses, ~~parks~~ or recreation facilities. [Amended 10-28-2013 by Ord. No. 49-2013]

A. ~~Neighborhood groups requesting block parties may request the use of City barricades for a fee.~~ A community ~~event~~ site reservation permit must be filed 30 days prior to the planned event.

B. Examples of community ~~event~~ site reservation activities are small gatherings of persons distributing information and/or literature on advocacy, political, religious or other topics while exercising the rights of free speech and peaceful assembly.

COMMUNITY ~~EVENT~~ SITE RESERVATION PERMIT — A document expressing the written and signed authorization to hold a community event site reservation. This document shall be based upon an application and issued by the City of Reading Police Department. [Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

EVENT — A special event, block party and community ~~event~~ site reservation. [Added 6-27-2011 by Ord. No. 30-2011]

PARADE — Any parade, march or procession of any kind in or upon any street or public park within the City.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

RECREATION FACILITY/SITE RESERVATION — A temporary event, gathering or organized activity at a City ~~park~~, pavilion or recreational facility. [Added 10-28-2013 by Ord. No. 49-2013]

RECREATION FACILITY/SITE RESERVATION PERMIT — A document expressing the written and signed authorization to hold a recreation facility/site reservation. This document shall be based upon an application and issued by the Reading Recreation Commission. [Added 10-28-2013 by Ord. No. 49-2013]

SIDEWALK — That portion of a street between the curblines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SPECIAL EVENT — A temporary event, gathering or organized activity on any City street, public or private property or in any City park, building or other facility, involving one or more of the following factors: [Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

- A. Closing of a public street, sidewalk or alleyway.
- B. Blocking or restricting public property.
- C. Blocking or restricting access to private property of others.
- D. Use of pyrotechnics or special effects.
- E. Use of open flame, explosions, or other potentially dangerous displays or actions.
- F. Use or display of animals, aircraft or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event.
- G. Sale or service of merchandise, food or nonalcoholic and alcoholic beverages on public and private property where otherwise prohibited by ordinance.
- H. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance.
- I. Placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance.
- J. Placement of "no parking" signs or barricades in a public right-of-way.
- K. Amplification of music, voices, sounds, or activities in excess of Chapter 387, Noise.
- L. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities or public safety services in response thereto.
- M. Examples of special events include but are not limited to: concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, community events, marathons and other running events, bicycle races and tours, car races, boat races and other organized

activity conducted for the purpose of fund-raising for profit, nonprofit fund-raising, community promotion or charity.

N. The Police Department Traffic Unit shall determine if a special event permit is required.

SPECIAL EVENT PERMIT — A document expressing the written and signed authorization to hold a special event issued by the City of Reading Police Department and approved by City of Reading's Risk and Safety Coordinator, City Solicitor, Manager of Property Maintenance, Public Works Director and the Fire and Police Chief. This document shall be based upon an application submitted to ~~and issued by the~~ City of Reading Police Department. [Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

SPECIAL EVENT VENUE — That area for which a special event permit has been issued.

STREET — The entire width between the boundary lines of every publicly maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

VENDOR — A person or entity that promotes or exchanges goods or services for money. [Amended 10-28-2013 by Ord. No. 49-2013]

§ 576-1203. Permit required.

[Amended 5-10-2010 by Ord. No. 16-2010]

A. Except as provided in this Part, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a special event, community event site reservation activity or recreation facility/site reservation activity until an applicable permit has been issued by the City of Reading or the Reading Recreation Commission. [Amended 10-28-2013 by Ord. No. 49-2013]

B. Exceptions. This Part shall not apply to:

- (1) Funeral processions by a licensed mortuary;
- (2) House-moving and construction activities;
- (3) Activities of a governmental agency or the Reading Recreation Commission acting within the scope of its authority and functions; [Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]
- (4) Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed;
- (5) Students traveling to and from classes or participating in school district-sanctioned educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities. [Amended 6-27-2011 by Ord. No. 30-201122]

22. Editor's Note: This ordinance also repealed original Subsection E, regarding a governmental agency, which immediately preceded this subsection.

§ 576-1204. Application (fees).

[Amended 5-10-2010 by Ord. No. 16-2010; 8-23-2010 by Ord. No. 60-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

An individual requiring a special event permit, **block party permit** or a community ~~event~~ site reservation permit shall pick up and submit a completed application for the event online or at the City's Police Department Traffic Office. An individual requiring a recreation facility/site reservation permit shall pick up and submit a completed application for the event online or at the Reading Recreation Commission. The application shall be signed by the applicant. The application will serve as a contract between the applicant and the City of Reading or the applicant and the Reading Recreation Commission as applicable.

A. Filing period.

- (1) A special event permit application shall be submitted to the City at least 90 days (three months) but no more than 180 days (six months) prior to the date proposed for the special event.
- (2) **A block party permit application shall be filed 30 days prior to the planned event.**
- (3) A community ~~event~~ site reservation permit application shall be filed 30 days prior to the planned event.
- (4) A recreation facility/site reservation permit application shall be filed 30 days prior to the planned event.

B. Late applications. The Mayor ~~or~~ **and** Chief of Police, where good cause is shown, may, but is not required to, consider an application filed less than the applicable time frame only if all requirements for the permit can be met.

- (1) **Late fees will apply, see the following section for more information. § 576-1205. Fees, time limit and cost of event.**

C. Special event permit application contents. The application for a special event permit shall set forth the following information:

- (1) The name, address and daytime telephone number, ~~fax~~, cell phone number, and email address of the person seeking to conduct such event.
 - (a) **A copy of the applicant's driver's license/ID will need to accompany the application.**
- (2) If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and those who are authorized and responsible for such organization.
- (3) The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.
- (4) The location of the event.
- (5) The purpose of the event.
- (6) The date, days, and times when the event is to be conducted.
- (7) The setup, tear-down, and cleanup dates and times.
- (8) The route to be traveled, the starting point and the termination point for parades.
- (9) The approximate number of persons who will be attending the special event and the approximate number of person who will participate in the event as volunteers or workers.

Note: The PA Department of Health requires an ambulance on standby at the event for all events expecting 5,000 or more people.

- (10) The hours when such event will start and terminate.
- (11) Maps detailing proposed site locations and/or routes along with written descriptions of the following:
 - (a) Amplification devices: types used and for what purposes.
 - (b) Electrical requirements: voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.
 - (c) Emergency medical stations: first aid or emergency medical services based on special event risk factors as determined by the City Managing Director or designee.
 - (d) Equipment: types of equipment used to service special event and/or to be showcased in the event.
 - (e) Fire lanes: contingency plan for access by fire-fighting and emergency medical vehicles, equipment and personnel.
 - (f) Fireworks or pyrotechnic displays: amount, type, and firesafety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.
 - (g) Litter control: number, size and location of trash receptacles, as well as trash removal and disposal.
 - (h) Parade, race, other similar activities: show start and finish locations for marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc.
 - (i) Portable toilets: the number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be in compliance with the Americans with Disabilities (ADA) Act.
 - (j) Signage: type of proposed on-site and off-site signage, including quantity, dimensions and materials.
 - (k) Street closures and detours: a statement as to whether the special event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.
 - (l) Structures: all temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings and canopies. If any temporary structure is equal to or larger than 200 square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant.
 - (m) Vendors: list each vendor, including products and services offered. The merchandise, products and services offered cannot be in violation of the duly enacted Code of the City of Reading and cannot include items that are "adult" related and can only be sold to persons over 21 years of age. All vendors must also provide a valid tax ID number, as required by Pennsylvania law, A valid City of Reading business license, a copy of a current City- or state-issued health permit and a food handler certificate.

(n) Vehicles: types of vehicles used to support services to the special event and/ or to be showcased in the event along with the approximate number of and description of any vehicles which will participate in the special event.

(o) A plan to accommodate the anticipated parking requirements for those participating or attending the event.

(12) Alcoholic beverages:

(a) Conditions and restrictions on the use of alcoholic beverages.

(b) Submit a list of all vendors who will be providing alcohol.

(c) Note: Alcoholic beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the City and in compliance with the Pennsylvania Liquor Control Board (PLCB).

(13) Admission fees: the cost of admission, if any, and whether the event is a public or private event.

(14) Animals: the approximate number and description of the types of animals anticipated to be part of the special event, if any. Refer to the Animal Control Ordinance 23 for requirements for proper control and handling of animals and animal waste during special events. Event applications including the use of animals will be reviewed by the Animal Control Agency.

(15) Insurance: proof of comprehensive general liability insurance in the amount of \$1,000,000, naming the City of Reading and other affected entities as additional insured as explained in § 576-1220.

(16) Water/wastewater: if applicable, a plan for the disposal of wastewater, including capture and containment, as approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.

(17) Miscellaneous: any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

D. Block party application contents. The application for a block party shall set forth the following information:

(1) Name of applicant.

(2) Contact information of applicant.

(3) Organization name where applicable.

(4) Organization contact information where applicable.

(5) Location of the event.

(6) Purpose of the event.

(7) Date of the event.

(8) Number of persons expected for the event.

(9) Acknowledgement that the applicant accepts the proposed site in as-is condition at the time of the event.

(10) A copy of the applicant's driver's license/ID will need to accompany the application.

(11) The petition document which must be signed by 75% of the residents/businesses affected by the proposed closure.

E. Community ~~event~~ site reservation application contents. The application for a community event site reservation shall set forth the following information:

- (1) Name of applicant.
- (2) Contact information of applicant.
- (3) Organization name where applicable.
- (4) Organization contact information where applicable.
- (5) Location of the event.
- (6) Purpose of the event.
- (7) Date of the event.
- (8) Number of persons expected for the event.
- (9) Acknowledgement that the applicant accepts the proposed site in as-is condition at the time of the event.

(10) A copy of the applicant's driver's license/ID will need to accompany the application.

F. Recreation facility/site reservation application contents. The application for a recreation facility/site reservation shall set forth the following information:

- (1) Name of applicant.
- (2) Contact information for applicant.
- (3) Facility requested.
- (4) Purpose of the event.
- (5) Date of the event.
- (6) Number of persons expected for the event.
- (7) Acknowledgement that the applicant is responsible for cleanup.

23. Editor's Note: See Ch. 141, Part 2, Animal Control.

§ 576-1205. Fees, time limit and cost of event.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 8-26-2013 by Ord. No. 35-2013; 10-28-2013 by Ord. No. 49-2013]

Fees. All permit fees are due and payable at the time of filing of the application. A copy of the receipt from the City's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

A. Special event permit: Each applicant requesting a special event permit shall be required to pay a processing fee and a security deposit fee, neither of which will be waived. Such applicant may also be required to pay an additional fee for City services or facilities as described in § 576-1205 below.

- (1) All fees required for a special event permit shall be adopted by City Council and contained within the City of Reading Fee Schedule. 24

(a) Special Event applications submitted between 60 and 89 days prior to the event date will be subject to a \$25 late fee.

(b) Special Event applications submitted between 30 and 59 days prior to the event date will be subject to a \$50 late fee.

(c) Special Event applications submitted 29 days or less prior to the event will not be accepted.

(2) If the event is canceled or not held after the permit has been issued by the City, the processing fee will be refunded, minus an administrative processing fee of \$50 and other costs incurred by the City.

(3) Security deposit:

(a) All security deposit fees required under this Part shall be adopted by City

~~—(b) Council and contained within the City of Reading Fee Schedule. The security deposit must be paid with a separate check so that it can be placed in escrow for easy return, if applicable.~~

(c) The full security deposit will be refunded if the location of the special event is clean and free of litter and damage and City services costs are paid. The refund of the security deposit will be prorated based upon the condition of the premises at the conclusion of the event as determined by the City's Police Department Traffic Office or its designee.

(d) The fee amount does not include any additional fees charged by various City departments for the use of City facilities or City services.

(e) Additional fees that arise during the event will be billed to the applicant and will be due within 30 days after mailing of the invoice.

B. Block party permit: All fees required for a block party, including barricade fees shall be adopted by City Council and contained within the City of Reading Fee Schedule. No security deposit will be required.

~~B. Community event site reservation: The community event site reservation is free of charge except block parties requiring City barricades. Such fee for barricades will be adopted by City Council and contained within the City of Reading Fee Schedule. 26 No security deposit will be required.~~

C. Recreation facility/site reservation: All fees required for a recreation facility/site reservation shall be adopted by City Council and contained within the City of Reading Fee Schedule.

D. Use of City personnel resources for event:

(1) Fire and EMS, Police, Public Works, ~~the Downtown Improvement District~~ and the Reading Parking Authority will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular City operations. [Amended 10-26-2015 by Ord. No. 59-2015]

(2) Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.

(3) Cost estimates will be provided to the applicant at least 30 days prior to the event. Payment for estimated City services are due in full 14 days prior to the event.

(4) Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the City Managing Director or designee.

24. Editor's Note: See Ch. 212, Fees.

25. Editor's Note: See Ch. 212, Fees.

26. Editor's Note: See Ch. 212, Fees.

§ 576-1206. Changes to application.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013; 10-26-2015 by Ord. No. 59-2015]

Any proposed changes to the application prior to the date of the event must be approved by the City's Police Department or the Reading Recreation Commission, as applicable, with possible consultation with Public Works, Manager of Property Maintenance, Fire, Risk and Safety, ~~the Downtown Improvement District~~, the Reading Parking Authority and the City Solicitor.

§ 576-1207. Date of permit issued.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

A. Notwithstanding the acceptance of a completed application, no date for an event shall be considered confirmed until an applicant has fully complied with all necessary requirements and the permit has been approved and issued. If an application for an event has been submitted for a specific date but is waiting for approval, no other application can be accepted for that same date and location until a decision on the first application has been made.

B. Certain annual special events have a "standing tentative reserved date," such as the Holiday Parade ~~and the Labor Day Parade~~. These dates will be honored providing the applicant submits the special event permit application in accordance with this Part.

C. To avoid double-booking a City facility, the person responsible for City facilities should be notified immediately of the proposed date and event so that the venue can be tentatively reserved for said date.

§ 576-1208. Conditions for issuance of permit, where applicable.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The City's Police Traffic Office or the Reading Recreation Commission may issue a permit, where applicable, when:

A. An application is successfully completed and filed in accordance with this Part; and

B. All of the following conditions are satisfied:

(1) The event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.

(2) The event will not require the diversion of police officers, Fire Department personnel or other department employees so as to significantly impact the City departments' ability to respond appropriately to regular City duty throughout the remainder of the community.

(3) The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.

(4) The event is not being conducted for an unlawful purpose, nor will it violate any ordinance of the City or any other applicable law.

(5) The event will not substantially interfere with any other event for which an event permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.

(6) The event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.

(7) All sponsor(s), participants, and attendees at events are subject to all laws, ordinances, and regulations not specifically exempted by the special event permit or the community event site reservation permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a special event, **block party**, community ~~event~~ site reservation or a recreation facility/ site reservation that becomes disorderly or hazardous.

§ 576-1209. Denial or revocation of permit.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The City's Police Department Traffic Office, in consultation with the City Mayor or Managing Director or the Reading Recreation Commission, may deny or revoke an application or subsequent permits if the applicant fails to satisfy or violates any of the requirements set forth in this Part; or

A. The applicant has made or permitted the making of a false or misleading statement or omission of material fact on the permit application; or

B. The applicant has violated this Part or has had a permit revoked within the preceding 12 months; or

C. The applicant violates or has violated within the past 12 months another City ordinance or state law; or

D. The City's Police Department Traffic Office or the Reading Recreation Commission believes that persons or property are at risk as a result of the activities or conduct of persons at the event; or

E. The applicant has violated any terms or conditions of the permit as issued.

§ 576-1210. Notice of decision.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

If the application is rejected, notice shall be provided by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the applicant within 10 business days after the date upon which the application was filed, a notice of its action, stating the facts and conclusions, which are the basis for the denial of the permit. If the permit is revoked, notice shall similarly provide to the applicant a reason for its action within 10 business days after the event.

§ 576-1211. Street activity and route restrictions.

[Amended 5-10-2010 by Ord. No. 16-2010; 8-23-2010 by Ord. No. 60-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The City's Police Department and/or City Managing Director may alter the time restrictions stated herein upon review of the event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties. Events shall comply with the following restrictions:

A. Events held on public property within the City limits or on a publicly maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.

B. Events held primarily in a residential area may begin staging (setting up) at 10:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.

C. For events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and/or the Managing Director for the duration of the event and at the expense of the applicant.

D. Noise levels for such events shall not exceed maximum permissible sound levels in accordance with the City's Noise Ordinance. 27 This includes but is not limited to air horns and other horn-blowing apparatus, whistles, and amplified music, speech, and other sounds.

E. Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc., during event parades is strictly prohibited. However, such items may be handed to individuals curbside.

F. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

G. The merchandise, products and services offered cannot be in violation of the duly enacted Code of the City of Reading and cannot include items that are "adult" related and can only be sold to persons over 21 years of age.

27. Editor's Note: See Ch. 387, Noise.

§ 576-1212. Temporary signs for events.

[Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

A. It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Public Works Department. In case of conflict with the City's sign regulations in the Code of the City of Reading, the City's sign ordinance shall control. 28

B. All event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within 24 hours of the completion of the event. An event sign not removed in compliance with this section may be removed by the City at the expense of the applicant to include costs incurred by the City for removal of same. If an event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the applicant or sign owner related to same. All banners not picked up by the applicant or designee within one week after completion of said event may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.

28. Editor's Note: See Ch. 485, Signs.

§ 576-1213. Appeal procedure.

[Amended 5-10-2010 by Ord. No. 16-2010]

A. Any person aggrieved by the action of the Chief of Police shall have the right to have the action of the Chief of Police reviewed by the Mayor of the City upon written request to the Mayor delivered by registered mail to the Mayor's office or to the Reading Recreation Commission, as applicable. The Mayor shall thereupon review the action of the Chief of Police and the reasons for his action and notify the aggrieved party by mail within 10 days of the receipt of the appeal of his action thereon. [Amended 10-28-2013 by Ord. No. 49-2013]

B. Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the aggrieved party. Failure to issue a permit within three days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§ 576-1214. Alternative permit.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The Chief of Police, in denying an application for an event permit, shall be empowered to authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate event permit shall conform to the requirements of, and shall have the effect of, an event permit under this Part.

§ 576-1215. Notice to City and other officials.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

Immediately upon the issuance of a special event, **block party** or community site reservation permit, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor.
- B. The City Solicitor.
- C. The Fire Chief.
- D. The Director of Public Works.
- E. ~~Executive Director of the Downtown Improvement District. [Added 10-26-2015 by Ord. No. 59-2015]~~
- F. Executive Director of the Parking Authority. [Added 10-26-2015 by Ord. No. 59-2015]

§ 576-1216. Duties of permittee.

[Amended 5-10-2010 by Ord. No. 16-2010]

- A. A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.
- B. Possession of permit. The applicant or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event. [Amended 6-27-2011 by Ord. No. 30-2011]

§ 576-1217. Public conduct during event.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011]

- A. Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any event or with any person, vehicle or animal participating or used in an event.
- B. Driving through events. No driver of any vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as an event. [Amended 10-28-2013 by Ord. No. 49-2013]
- C. Parking on special event routes. The Chief of Police, Police Traffic Supervisor, City Managing Director or designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of an event. [Amended 10-28-2013 by Ord. No. 49-2013]

§ 576-1218. Inspections.

[Amended 5-10-2010 by Ord. No. 16-2010]

- A. Amusement rides and/or attractions associated with special events shall conform to statutory rules and regulations set forth in the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the City limits and verified by authorized City personnel. Amusement rides in enclosed areas greater than 1,000 square feet are required to be "fire-sprinkler-ready" with an external Fire Department connection (FDC) and be inspected by the Fire Marshal's office.
- B. All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than 200 square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant and shall be inspected by the Fire Marshal's office.
- C. Special electrical and water/wastewater needs must be inspected prior to the event.

§ 576-1219. Animal waste.

[Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

Refer to Chapter 141, Part 2, Animal Control, for requirements related to event activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

§ 576-1220. Insurance required to conduct special event or recreation facility/site reservation event involving City gymnasium rentals.

[Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

A. An applicant for a special event must provide a certificate of insurance showing proof of comprehensive general liability insurance in the amount of \$1,000,000. Such insurance shall name the City of Reading, its officers, employees, agents, and, if required, any other public entity involved in the event, as additional insured on a separate endorsement maintained for the duration of the event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Reading by the carrier and the applicant.

B. The insurance required shall encompass all liability insurance requirements imposed for other permits required under other sections of this Part and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

C. A certificate of insurance must be submitted to the Police Traffic Office no later than two weeks prior to the event. Failure to provide the insurance or the letter of intent for insurance could result in the denial/revocation of the permit.

§ 576-1221. Indemnification.

[Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

The applicant for a permit shall acknowledge that he or she will indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the event.

§ 576-1222. Conditions for premises after event.

[Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

The applicant is required to bring the premises back to the same or better condition; and failure to comply will result in no future events to be held by the applicant or organization and loss of security deposit.

§ 576-1223. Violations and penalties.

[Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2010 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-201329]

A. It shall be unlawful for any person to stage, present, or conduct or attempt to stage, present or conduct an event without first having obtained a permit therefor as herein provided or who shall otherwise violate any of the provisions of this Part.

B. A person commits a summary offense if he/she:

(1) Knowingly commences or holds an event without an event permit or with a permit that has expired or has been revoked; or

(2) Knowingly violates any terms or provisions of this Part.

C. Violations of this Part shall be treated as strict liability offenses regardless of intent.

D. This Part governs ~~firesafety~~ fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Part shall be subject to the penalty as provided for in the Code of the City of Reading.

E. The penalty upon conviction of any violation of this Part is \$500. 30

F. The administration may promulgate further regulations concerning this section.

29. Editor's Note: This ordinance also repealed former §§ 576-1223, Revocation of permit, amended 5-10-2010 by Ord. No. 16-2010; and 576-1224, Prohibited activities, amended 5-10-2010 by Ord. No. 16-2010; and redesignated former § 576-1225, Violations and penalties, as § 576-1223.

30. Editor's Note: Original § 15-1226, Fee Schedule, as amended, which immediately followed this Subsection, was repealed 6-27-2011 by Ord. No. 30-2011.

§ 212-144. Vehicles and traffic.

Description	Fee	Ordinance No.	Code Citation
Description	Fee	Ordinance No.	Code Citation
Reclamation cost for impounded vehicle	\$25	14-2001	§ 576-806
Booting fee	\$100	Res. No. 18-A-2006; 3-2021	§ 576-816
Residential parking permit			§ 576-417J
First year (initial)	\$30 per vehicle		
Annual renewal	\$25 per vehicle		
Daily parking permit	\$16/day nonmetered \$16/ day metered \$10/day funeral	14-2001; 19A-2018; 3-2021	§ 576-419C

	\$10/day owner in front of his/her non- residence property		
	\$1/day resident in front of his/her personal residence		
	\$1/day church		
	\$1/day city agencies and authorities		
	\$2/sign lamination (optional added cost per sign)		
Commercial contractor parking permit	\$30 monthly		§ 576-706A
Pushcart permit (annual)	\$30	14-2001	§ 576-1002
Special Event	-	-	-
<u>Special Event</u> with applicant's proof of nonprofit status	<u>\$50</u>	<u>30-2011; 38-2011</u>	<u>§ 576-1205A(1)</u>
All others <u>Special Event without applicant's proof of nonprofit status</u>	\$300 <u>\$100</u>	<u>30-2011; 38-2011</u>	<u>§ 576-1205A(2)</u>
<u>Security Deposit</u>	<u>\$500</u>		
<u>Late Fee, per Section 576-1205(A)(1)</u>	<p>(a) <u>Special Event applications submitted between 60 and 89 days prior to the event date will be subject to a \$25 late fee.</u></p> <p>(b) <u>Special Event applications submitted between 30 and 59 days prior to the event date will be subject to a \$50 late fee.</u></p>		
Fee for block parties requiring City barricades	\$50 <u>\$75</u>	30-2011	§ 576-1205B
Administrative fee for retrieval of towed vehicle	\$10	14-2001	§ 576-826E
Parking meter fee	\$2 per hour	42-2015; 3-2021	§ 576-508

Reclamation cost for impounded ATV, snow mobile, dirt bike	\$50	46-2021	§ 576-1305
Towing/relocation fee for ATV, snow mobile	\$120	46-2021	§ 576-1305
Towing/relocation for dirt bike	\$120	46-2021	§ 576-1305
Storage fee for ATV, snow mobile, dirt bike	\$25 per day	46-2021	§ 576-1305

AGENDA MEMO

Community Development

TO: City Council
FROM: Jamal Abodalo, Community Development Director
MEETING DATE:
AGENDA MEMO DATE:
RECOMMENDED ACTION: To amend the 2022 General Agency fund (31)

RECOMMENDATION:

It is recommended that City Council amends the 2022 General Agency fund (31) to reflect the appropriation of fund.

BACKGROUND:

The Pennsylvania Department of Health awarded the City of Reading \$152,500 for the Lead Hazard control Program. The Community Development department property maintenance division will be managing the healthy homes initiative program targeting households with children six (6) years old or younger and have been diagnosed with Elevated Blood Lead Level (EBLL). The presence of lead in a child could cause developmental challenges medically found to have a measurable concentration of lead in their blood.

BUDGETARY IMPACT:

An increase of \$152,500 to General Agency Fund contracted services expense line item and an increase of \$152,500 to General Agency Fund grants and gift revenue line item.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY:

The Community Development Director

RECOMMENDED MOTION:

Approve/Deny the amendment to increasing the General Agency Fund (31) contracted services.

Drafted by: CD Director
Referred by: Mayor
Introduced on: April 11, 2022
Advertised on:

BILL NO. ____2022

AN ORDINANCE

ADOPTING 2022 FUNDS TO THE HUMAN RELATIONS COMMISSION FOR RENTAL AND UTILITY ASSISTANCE.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section One: Council hereby adopts the 2022 appropriation of funds of \$152,500 to target households with children six years old or younger and have been medically found to have a measurable concentration of lead in their blood.

Section Two: The lead hazard abatement and healthy homes initiative grant will be paid from the City's General Agency Fund Budget, line item 311000 42160 contracted services expense line item. The budget will result in an increase of \$152,500 to Fund 31 General Agency Fund contracted services line item 311000 42160 and an increase of \$152,500 to fund 31 General Agency Fund grants and gift line item 311000 35540.

Section Five: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED _____, 2022

President of Council

ATTEST: _____

City Clerk

Submitted to Mayor by: _____

Date Submitted: _____

Received in Mayor's Office by: _____

Date Received: _____

Approved by Mayor: _____

Date Approved: _____

Vetoed by Mayor: _____

Date Vetoed: _____

Drafted by: City Clerk/Council Solicitor
Referred by: Goodman-Hinnershitz/Reed
Introduced on: April ---, 2022
Advertised on: April ---, 2022

**BILL NO. ____ 2022
AN ORDINANCE**

**AMENDING THE CITY OF READING CODE CHAPTER 453, PART 3 – MOBILE
VENDORS MAKING CORRECTIONS AND ADDING PROVISIONS FOR VENDORS
AT THE PAGODA**

- Section 1:** Chapter 453, Part 3, Mobile Vendors making corrections and adding provisions for vendors at the Pagoda, as attached in Exhibit A
- Section Two:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.
- Section Three:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.
- Section Four:** This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Adopted _____ 2022

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Over-ridden by Council: _____

Part 3

Mobile Vendors

[Adopted 7-26-2010 By Ord. No. 42-2010 (Ch. 10, Part 20, Of The 2001 Code Of Ordinances)]

§ 453-301. Purpose.

The purpose of this Part is to provide for the regulation of mobile vendors in the City of Reading. The City of Reading has the responsibility to provide public safety for pedestrians and vehicular traffic, whereby, reasonable regulation of mobile vendors is necessary to protect the public health, safety, and welfare in the public right-of-way. It is the finding of City Council that the regulation of mobile vendors on public and private property is necessary to promote the orderly and efficient use of City streets, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

§ 453-302. Title.

This Part shall be known as the "Mobile Vendors Ordinance."

§ 453-303. Interpretation.

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

§ 453-304. Definitions.

For the purpose of this Part, certain terms shall be defined as follows:

MOBILE VENDOR — A vendor or seller of food and/or goods from mobile vending unit.

MOBILE VENDOR LICENSE — The written authorization, issued by the City of Reading, to operate a mobile vendor unit on the street. The license must be displayed prominently on each unit.

MOBILE VENDOR UNIT — A vehicle registered under the Vehicle Code of the Commonwealth of Pennsylvania or another state which operates from site to site with primary emphasis on transit while dispensing a product or rendering a service on a stop-on-demand basis only and whose use is incidental to the land use and underlying zone. This vehicle must carry insurance. The vehicle does not typically remain stationary for more than approximately 10 minutes each hour.

PRIVATE PROPERTY — Property owned by a person or jointly by a group of persons, legal persons or business entities.

PROPERTY MAINTENANCE DIVISION — A division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Code governing issues including, but not limited to, housing, property maintenance and trade.

PUBLIC PROPERTY — All real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

PUBLIC RIGHT-OF-WAY — Any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets,

alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

SIDEWALK — That portion of a public right-of-way for which paving is required under this

Part of the Code of the City of Reading and which is used primarily for pedestrian travel.

STATIONARY VENDOR — An itinerant vendor who conducts business:

A. From a vehicle or other conveyance; or

B. In or about a structure that is not permanently affixed to real property and that is located upon privately owned property and not on a public street, sidewalk, alley or public way of the City.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability.

~~— VENDING LICENSE BOARD OF APPEALS — Board authorized to hear appeals of and render decisions in matters concerning aggrieved applicants whose mobile vendor license has been denied, suspended, revoked or is not renewed, pursuant to § 453-306.~~

§ 453-305. License required.

A. It shall be unlawful for any person to engage in the business of a mobile vendor within the City of Reading without first obtaining a license pursuant to this section. Such mobile vending activities are only permitted throughout the City of Reading. ***Mobile vendor licensees may operate at the Pagoda parking area, as approved by majority vote of the Pagoda Foundation Board of Directors on a defined schedule that allows only two mobile vendors on site at a time, at locations selected by the Public Works Director, or his designee.***

(1) Vending is prohibited on private property as per § [600-902](#) of [Chapter 600](#), Zoning, which states "No more than one principal use shall be permitted on a lot in a residential district, unless specifically permitted by this chapter. Where more than one principal use is allowed on a lot, the most restrictive requirement shall apply." ¹²

(2) Preexisting mobile vendors operating the City of Reading are required to comply with all regulations contained herein and shall not be "grandfathered."

B. The restrictions of this section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

(1) Location. A mobile vendor license shall only be issued for and restricted to vendor sales from an approved mobile vending. All mobile vending shall be conducted within the public right-of-way, as defined herein.

(2) License nontransferable. A mobile vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is

not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

12. Editor's Note: Amended during codification (see [Ch. 1](#), General Provisions, Part 2).

§ 453-306. License application.

A. Notice of license availability. Applications for mobile vending license will be available in the Property Maintenance Division.

B. Application.

(1) Any person interested in applying for a mobile vendor's license may make application by filing such forms containing the required information with the Property Maintenance Division with a nonrefundable application fee as provided in Chapter 212,

Fees. The application shall at a minimum set forth:¹³

(a) True name and address of the applicant. P.O. Boxes will not be permitted.

(b) Photographs and specifications of the proposed mobile vendor unit to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in § [453-307](#) herein.

(c) Sufficient detail about the proposed mobile vendor and the merchandise proposed for sale must be submitted with the application for evaluation and compliance with applicable City and state health codes, along with copies of the required City and state health permits.

(d) A copy of the applicant's business privilege license.

(e) The names, addresses and percentage of stock owned by shareholders in a corporate applicant, and the percentage interest of each partner in a partnership applicant.

(f) A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices, if applicable. Utility connections to neighboring properties shall be prohibited.

(g) A complete listing of the items to be offered for sale or distribution.

(h) The general areas the mobile vendor would like to operate.

(i) The dimensions of the mobile vending unit.

(2) Applications will be initially reviewed by the Property Maintenance Division for completeness. Incomplete applications may be amended one time and resubmitted.

C. Review of applications. The ~~Director~~ **Manager** of the Property Maintenance Division or his designee shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a mobile vendor license if:

(1) The application is incomplete in any material respect.

(2) The proposed mobile vendor unit does not comply with the design criteria, standards or specifications and/or applicable health requirements.

(3) The applicant does not have a business privilege license.

(4) The applicant, or any natural person having an interest in the entity making the application, has:

(a) Within the past five years held or had an interest in a mobile vendor license that has been revoked.

(b) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.

(5) If an application is denied, the applicant shall be notified in writing of the reason(s) therefor within 10 days.

D. Each license shall be issued for one calendar year and shall be subject to review during the calendar year for adherence to the requirements of this Part.

13. Editor's Note: Amended during codification (see [Ch. 1, General Provisions, Part 2](#)).

§ 453-307. Design and appearance standards.

A. General requirements. All mobile vendor units shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. In addition, vending must comply with state and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Ancillary facilities. A commissary or depot may be required when additional storage, food preparation or cleaning facilities are needed beyond the capacity of the mobile food facility. All commissaries or depots must be approved and licensed by the regulatory agency having jurisdiction over the location of the commissary or depot. A copy of the most recent inspection report of the commissary or depot from the appropriate regulatory agency must be provided upon request.

C. Required physical features.

(1) Physical features. Floors, walls and ceilings must be smooth and easily cleanable with outer openings no larger than necessary to carry out the food operation. The mobile vendor unit must be fitted with closed, tight-fitting windows and doors. If windows or doors need to be opened for ventilation or other reasons, such as service to the customer, then screens, air curtains or other effective means must be present to protect the interior of the mobile vendor unit. Foldout shelves cannot be used to provide space for customers to consume the products dispensed by the mobile vendor. Awnings and canopies, both attached and unattached from the mobile vendor unit, are prohibited.

(2) Mobility. Mobile vendor units must be self-propelled. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) License display. The vending license must be clearly displayed on the mobile vendor unit in such a manner and location as to be clearly visible to customers.

(4) Trash receptacles. Each mobile vendor unit will have provisions for mobile vendor trash disposal. Mobile vendors are responsible for proper disposal of trash.

(5) Self-contained. All mobile vendor units shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the mobile vending unit cart. Use of the sidewalk by a mobile vendor for product display, storage, or disposal of trash shall be prohibited.

(6) Covered openings. When the mobile unit is in motion, openings must be covered with a solid material, such as doors, plastic, etc., to protect the mobile vendor unit from windblown dust and debris during travel. The driver's compartment and food preparation area must be protected against airborne contaminants and vermin, if not separated from the food facility portion of the unit.

(7) Equipment. All equipment must be easily cleanable, durable, free of breaks, cracks and crevices, made of appropriate materials, well-constructed and adequate for the intended use. Such equipment shall be properly maintained and installed according to all appropriate federal, state or local code requirements for construction and fire safety.

(8) Utility connections. Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the mobile vendor unit. Utility connections to

neighboring properties shall be prohibited. All power equipment shall be installed to eliminate the danger of electrical shock.

(9) Fire. A five-pound ABC type dry chemical fire extinguisher is required for all mobile vendor units utilizing a flame for any purpose.

(10) Hand-washing facilities. Each mobile food vendor unit must have a hand-wash sink with clean, potable hot and cold water, a posted sign indicating "Employees must wash hands," and comply with the standards as required by the Pennsylvania Department of Agriculture. Each hand-washing station must include: soap, single-use paper towels, a waste receptacle and a wastewater collection container. A waste tank having a minimum of 15% greater capacity than the fresh water supply container must be provided and all wastewater must be disposed of in a sanitary sewage system outlet (not on the ground or into a storm drain).

(11) Water supply. All mobile food vendor units must be provided with hot (110° F.) and cold running water under pressure within the mobile vendor unit. The hot water facilities shall be functional when the vehicle is mobile or stationary. The water system must be closed from filling outlet to discharge outlet and separate hoses must exist for filling the water tank and flushing the retention tank. The water-filling inlet must be designed to prevent contamination and backflow/backsiphonage must be installed to protect water supply. The water storage tank shall have a minimum capacity for one day's use.

(12) Refuse. All mobile vendor units must have a refuse receptacle with a tight-fitting lid on the unit. Receptacles must be properly emptied when full or at a minimum at the close of business. All refuse must be disposed of at the vendor's expense.

(13) Cold and hot holding units. Refrigeration and cold holding units must be capable of reaching and maintaining 41° F. or below when in use. Hot holding units must be capable of holding foods at 135° F. or above, as required by the Pennsylvania Department of Agriculture. Hot and cold storage facilities must be capable of operation at all times. Each hot holding or cool holding unit must be supplied with an accurate, easily readable thermometer.

(14) Dish-washing. Single-service articles must be used unless adequate dish-washing facilities are available and used. Adequate facilities will include a three-compartment sink (separate from the handwashing sink) set up for accomplishing a three-step method of dish-washing. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved as required by the Pennsylvania Department of Agriculture. All food contact surfaces such as cutting boards, work tables, utensils and food preparation equipment must be cleaned and sanitized after each use. Appropriate sanitizer testing devices must be available on the mobile food vendor unit at all times.

(15) Food. All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as required by the Pennsylvania Department of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home can only be used if that facility is licensed, registered and inspected by the Pennsylvania Department of Agriculture and the City of Reading. All perishable, potentially hazardous foods must be kept cold (41° F. or below) or hot (135° F. or above) at all times. No bare hand contact is allowed on any ready to

eat food; gloves or utensils must be used. Gloves must be changed between tasks and when gloves become soiled. All foods must be covered when not in use.

(16) Ice. All ice must come from a source approved by the Department of Agriculture and must be received packaged. Packaged foods, including drinks, whose packaging is not subject to the entry of water because of the nature of the container or packaging, may be stored in ice. Personal food and drinks may not be stored with merchandise. Ice must be stored in clean, easily cleanable, nonporous, closed containers made of approved materials. Galvanized metal coolers may not be used. All ice must be dispensed using an ice scoop having an appropriate handle. Ice used as a coolant may not be used in drinks or as ingredients in food as it is considered nonpotable.

(17) Sign. No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

(18) Food employee certificate. All mobile food vendors are required to obtain and maintain a food employee certificate from the Department of Agriculture, as required by the State Food Employee Certification Act, 3 Pa.C.S.A. § 6501 et seq., within three months of the approval of their mobile vendor permit. New vendors will have 90 days to comply with said requirement; existing vendors which are not in compliance due to lack of current certification, employee turnover or other loss of certified person shall have 90 days from the effective date of this Part or the date of loss to comply.

D. Prohibited features.

(1) Advertising other than the name of the vendor's business or suppliers.
(Advertising must appeal to the sensibilities of the general public.)

(2) Gas cylinders larger than 20 pounds.

(3) Tables, chairs, benches, stools and any other device that would allow the consumption of the product dispensed by the mobile vendor.

(4) Foldout shelves cannot be used to provide space for customers to consume the products dispensed by the mobile vendor.

(5) Awnings and canopies, both attached and unattached from the mobile vendor unit, are prohibited.

E. Prohibited conduct. No mobile vendor shall:

(1) Leave his or her mobile vendor unit unattended while running.

(2) Solicit or conduct business with persons in motor vehicles.

(3) Sell anything other than that for which a license to vend has been issued.

(4) Vend without the insurance coverage specified in § [453-308F](#).

(5) Smoke in the mobile food unit or allow others to do so.

(6) Sell anything containing alcohol or controlled substances.

(7) Obstruct or interfere with traffic in any manner.

(8) Sell items from his or her vehicle in such a way that requires customers to stand in the street while making a purchase.

F. Supervision. A person in charge shall be present at all times and is responsible for overseeing food-handling practices and staff hygiene, as well as excluding and restricting ill staff.

G. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

H. All mobile vendor units shall comply with standards and specifications described herein and adopted by the City and the state. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

I. Maintenance. All mobile vendor units shall at all times be maintained in good condition and repair. Any repairs to or replacements of mobile vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement units may be placed into operation until approved.

§ 453-308. Mobile vendor operation standards.

A. Days and hours of operation. Mobile vendor sales may be conducted between the hours of 9:00 a.m. to 9:00 p.m. during the permit year.

B. Safe and sanitary condition. Mobile vendor units shall be maintained in a safe, broom-clean and sanitary condition at all times. Mobile vendor units licensed hereunder to sell food products shall:

(1) Be subject to inspection at any time by a City of Reading Property Maintenance Inspector **and the City Fire Marshal or his designee** and shall at all times be licensed under and be in compliance with all applicable state and local codes.

(2) If using portable heating or cooking facilities, the mobile vendor unit shall be subject to inspection at all times by the City of Reading Fire Marshal and Property Maintenance Division and shall comply with all applicable ordinances of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

C. Quiet operations. Mobile vendors shall conduct business in an orderly fashion and shall adhere to [Chapter 387](#), Noise, of the Code of the City of Reading.

D. Use and maintenance of sidewalk.

(1) No products shall be stored or displayed on the City sidewalk or any adjacent area outside the mobile vendor unit.

(2) The mobile vendor unit shall be operated so as not to impede the free movement of pedestrian or vehicular traffic.

E. Display. The mobile vendor license, the City of Reading health permit and any applicable state food employee certificate shall be posted in plain view of the customers at all times the mobile vendor is operating.

F. Public liability insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

§ 453-309. Suspension or revocation of license. ¹⁴

A mobile vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable state or local law, including but not limited to all health or safety regulations, zoning and taxation.

14. Editor's Note: Amended during codification (see [Ch. 1](#), General Provisions, Part 2).

§ 453-310. ~~Vending License Board of Appeals~~ Code and License Appeals Board

A. Any person aggrieved by a decision of the Property Maintenance Division, including suspension, nonrenewal, denial or revocation of a mobile vendor license, may appeal to the ~~Vending License Board of Appeals~~ **Code and License Appeals Board**. Such appeal must be filed, in writing, with the Administrator of the Property

Maintenance Division, with the appropriate filing fee, within 10 working days from the date of receipt of the decision of the Property Maintenance Division.

~~B. Organization.~~

~~(1) Membership. The Vending License Board of Appeals shall consist of the one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one representative from the Greater Reading Chamber of Commerce, one employee from the Property Maintenance Division, Reading Police Traffic Enforcement and Public Works.~~

B.

(1) Oaths and subpoenas. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(2) Quorum and majority vote. ~~Four~~ **Three** members shall constitute a quorum of the Board. A majority of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. Powers. The Board shall have the following powers:

(1) Hear and decide appeals. To hear and decide appeals where it is alleged there is error in any decision of the Property Maintenance Division in the ***grant or denial of applications*** or the enforcement of this Part. ***An appeal from a decision involving the enforcement of this Part must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, within 10 working days from the date of receipt of the decision of the Property Maintenance Division.***

(2) Grant modification or variance. To modify any notice of violation or order and to authorize a variance from the terms of this Part when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Part.

(3) Grant extension of time. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code ¹⁵ and other applicable sections of the City of Reading Code of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

(4) Timeliness. In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.

(5) Recommend amendments to this Part to the Council of the City of Reading.

D. The Property Maintenance Division decision and all records of final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the Property Maintenance Division may prescribe reasonable regulation regarding the time and manner of inspection.

E. Affect of appeals. Any decision issued under, per, and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Code and License Appeals Board ~~Vending License Board of Appeals.~~

F. Fee and costs. The fee for filing of an appeal to the ~~Vending License Board of Appeals~~ **Code and License Appeals Board** shall be as provided in [Chapter 212](#), Fees. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee. ¹⁶

15. Editor's Note: See [Ch. 180](#), Construction Codes, Part 14, International Property Maintenance Code.

16. Editor's Note: Amended during codification (see [Ch. 1](#), General Provisions, Part 2).

§ 453-311. Appeal to Court of Common Pleas.

Any person aggrieved by any decision of the respective Board may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be filed with the Court of Common Pleas and a notice thereof served upon all parties to the appeal, including the ~~Vending License Board of Appeals~~ **Code and License Appeals Board** and City of Reading.

§ 453-312. Enforcement.

This Part will be enforced under the jurisdiction of the Property Maintenance Division, **the Fire Marshal** and the Reading Police Department.

§ 453-313. Violations and penalties.

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 to \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

Drafted by: City Clerk/Council Solicitor
Referred by: Goodman-Hinnershitz/Reed
Introduced on: April 11 2022
Advertised on:

**BILL NO. ____ 2022
AN ORDINANCE**

**AMENDING THE CITY OF READING CODE CHAPTER 23, PART 14 – CODE AND
LICENSE APPEALS BOARD BY ADDING MOBILE VENDING APPEALS TO
SECTION 23-1402 POWERS TO COINCIDE WITH THE AMENDMENT TO
CHAPTER 453 PART 3 MOBILE VENDORS**

- Section 1:** Chapter 23, Part 14 – Code and License Appeals Board by adding mobile vending appeals to Section 23-1402 Powers to coincide with the amendment to Chapter 453 Part 3 Mobile Vendors, as attached in Exhibit A
- Section Two:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.
- Section Three:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.
- Section Four:** This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

Adopted _____ 2022

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor: _____

Date: _____

Vetoed by Mayor: _____
Date: _____
Over-ridden by Council: _____

§ 23-1402. Powers.

[Amended 9-11-2017 by Ord. No. 86-2017; 6-14-2021 by Ord. 45-2021]

The Code and License Appeals Board shall have the following powers:

A. Promulgate rules and regulations. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

B. Oaths and subpoenas. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

C. Hear and decide matters.

(1) To hear and decide matters regarding the revocation of a business privilege license where it is alleged that one of the criteria set forth herein has been violated. The Board is also authorized to hear appeals of refusals of business privilege license or cease operations order.

(2) To hear and decide matters regarding appeals to the Property Maintenance Code.

(3) To hear and decide matters relating to appeals of the Solid Waste Code, which includes solid waste, dumpsters and recycling.

(4) To hear and decide matters relating to appeals of the Housing Ordinance, including appeals to issued disruptive conduct reports.

(5) To hear and decide matters relating to appeals of the Vending Machine Ordinance.

(6) To hear and decide matters relating to appeals of the Mobile Vendors Ordinance.

~~(6)~~ **7** To modify any notice of violation or order and to authorize a variance from the terms of this code when, because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

~~(7)~~ **8** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code ([Chapter 180](#), Part 13) and other applicable sections of the Code of the City of Reading of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

~~(8)~~ **9** To hear and decide appeals relating to Chapter 576, Part 13 Motorized Devices and All-Terrain Vehicles.

D. Timeliness.

(1) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall hold a hearing on any founded appeal at stated periodic meeting but in no event later than 30 days after

receipt of the application and shall file its decision within 10 days after the appeal hearing.

(2) The decision of the Board shall be filed with the Managing Director, the Solicitor and the City Clerk. Copies of the decision shall be sent by first class mail to the appellant within 10 days of the Board's decision.

E. Authority.

(1) The Board is empowered to find no cause for the revocation of a business privilege license or cause to revoke a business privilege license by a majority vote of the appointed members. The Board shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.

(2) The Board shall modify or reverse the decision of the Solid Waste, Housing, Vending Machine, or the Property Maintenance Code official or City of Reading Police Officer only by a majority vote of the appointed members.

(3) The Administration shall take immediate action in accordance with the decision of the Board.

F. Court review.

(1) Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction in the manner and time required by law following the filing of the Board's decision, as per Subsection D(2) herein.

(2) Stays of enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Part.

Drafted by
Sponsored by/Referred by
Introduced on

City Solicitor's Office
Managing Director/Downtown Coordinator
April 11, 2022

BILL NO. _____ 2022

AN ORDINANCE AMENDING THE 2022 POSITION ORDINANCE TO ADD TWO FULL-TIME AND TWO PART-TIME DOWNTOWN - COMMERCIAL CORRIDOR AMBASSADORS

WHEREAS, the 2022 Position Ordinance currently budgets four part-time Downtown - Commercial Corridor Ambassadors positions for a total combined salary of \$150,000; and

WHEREAS, the Administration has determined that it would be more advantageous to modify the staffing of the Downtown Commercial Corridor Ambassadors with two full-time positions and six part-time positions.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Upon evaluation of the Mayor of Reading, the Position Ordinance shall be amended to add two of the full-time Downtown - Commercial Corridor Ambassadors and add two part-time positions for a total of six part time positions.

SECTION 2. The full-time employees will be paid at a rate of \$20.87 per hour for a total of \$41,600 per employee per year. The part-time employees will be paid at a rate of \$15 per hour at 28 hours per work for a total of \$21,840 per employee per year.

SECTION 3. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective ten (10) days after its Adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2022

President of Council

Attest:

City Clerk
Sent to Mayor _____
Date: _____
Signed by Mayor _____
Date: _____
Vetoed by Mayor: _____
Date: _____
Over-ridden by Council:
Date: _____

Drafted by _____ Solicitor
Sponsored by/Referred by Mayor/Managing Director
Introduced on _____ April 11, 2022
Advertised on _____

**BILL NO. _____ 2022
AN ORDINANCE**

**AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE
SALARY OF THE CHIEF OF FIRE AND RESCUE SERVICES.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1. The salary of the Chief of the City of Reading Department of Fire and Rescue Services shall be ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00) per annum, payable in equal bi-monthly installments, or as otherwise provided for by ordinance.

SECTION 2. To the extent that the individual promoted to the position of Chief is currently employed by the City of Reading Department of Fire and Rescue Services, said employee shall retain all benefits received in their previous position except overtime.

SECTION 3. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2022

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Over-ridden by Council:

Date: _____

Drafted by
Sponsored by/Referred by
Introduced on
Advertised on

City Clerk/Council Solicitor
Mayor
March 28, 2022
N/A

RESOLUTION NO. ____-2022

The Council of the City of Reading hereby resolves as follows:

- Section 1:** Authorizing a temporary parking regulation Pilot Program for the installation of parking stalls at prescribed locations within the City and parking requirements related thereto, for a 90 day period, as more specifically stated as attached in Exhibit A, and pursuant to Chapter 576 Vehicles, Section 105 Experimental Regulations.
- Section 2:** On or about October 1, 2022 the Reading City Council shall determine if this temporary program is effective and if so shall enact an ordinance amending Chapter 576, Chapter 403 making this program permanent.
- Section 3:** This temporary parking regulation Pilot Program shall be effective July 1, 2022

Adopted _____, 2022

President of Council

Attest:

City Clerk

Sent to Mayor _____
Date: _____
Signed by Mayor _____
Date: _____
Vetoed by Mayor: _____
Date: _____
Over-ridden by Council:
Date: _____

ATTACHMENT A

Parking prohibited in specific areas.

Except when necessary to avoid conflict with other traffic or to protect the safety of any person or in compliance with law or the direction of a police officer or other traffic control device, no person shall:

Park outside the center of lines designating as a parking space. No portion of a vehicle shall be located on or over a line designating a parking space but shall be located within a single marked space. No vehicle shall be permitted to occupy more than one parking space at any time. All such regulations shall apply in the following areas:

STREET	BLOCK	EXIST. SPACES	PROP. SPACES
S 3rd. St	300	39	43
N 3rd. St	600	24	27
N 3rd. St	700	29	31
N 3rd. St	800	27	27
N 3rd. St	900	36	38
S 6th. St	400	30	37
S 6th. St	200	30	33
S 6th. St	300	29	36
N 6th. St	900	38	38
N 6th. St	1000	38	41
N 6th. St	1100	40	40
N 6th. St	1200	44	46
S 9th. St	300	14	30
S 9th. St	100	11	16
S 9th. St	200	28	31
N 9th. St	500	40	42
N 9th. St	600	37	40
N 9th. St	700	36	40
S 12th. St	300	20	21
S 12th. St	100	34	37
S 12th. St	200	27	28
N 12th. St	500	29	38
N 12th. St	600	37	40
N 12th. St	700	36	39
N 12th. St	800	31	41
Mulberry St	600	39	42
Mulberry St	700	24	25
Mulberry St	800	29	30
Pear St	600	30	36
Pear St	700	36	36
Pear St	800	38	38
TOTAL:		980	1,087

Any person who shall violate any provision hereof shall, upon conviction thereof, be subject to the penalty of a fine of not more than \$25 together with costs of prosecution.

Drafted by _____ Deputy City Clerk
Sponsored by/Referred by Council Nominations and Appointments Committee

R E S O L U T I O N N O. _____ -2022

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Patty Bell is appointed to the Library Board with a term ending
December 31, 2027.

Adopted by Council April 11, 2022

President of Council

Attest:

Linda A. Kelleher
City Clerk

Drafted by Deputy City Clerk
Sponsored by/Referred by Council Nominations and Appointments Committee

R E S O L U T I O N N O. _____ -2022

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Josephine Torres-Boykins is appointed to the Equal Business
Opportunity Board with a term ending April 11, 2025.

Adopted by Council April 11, 2022

President of Council

Attest:

Linda A. Kelleher
City Clerk

